



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P. No.27137 of 2021

and

W.M.P. Nos.28613 and 28614 of 2021

National Film Development Corporation Limited,
(A Government of India Enterprises)
Rep. By its Deputy General Manager,
Mrs.Rohini Gauthaman,
350, Pantheon Road,
First Floor, Co-optex Warehouse Building,
Egmore, Chennai-600 008.

...Petitioner

vs.

1. The Tamil Nadu Generation and
Distribution Corporation Limited,
Rep. By its Assistant Executive Engineer,
Pantheon Road/CEDC Central,
23, East Spur Tank Road,
Chennai-31.

2. The Assistant Accounts Officer,
TANGEDCO,
Egmore Revenue Division,
Egmore Circle,
Chennai-12.

...Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue an order or direction or Writ and in particular Writ in the nature of a Writ of Certiorarified Mandamus, to call for and quash the demand letter No.Na.Ka.Se.Po/(E&P0)/Egmore/U.Ka.A/V.P./Egmore/A.En.295/21, dated 09.12.2021 issued by the second respondent and further direct the respondents to receive the payment towards the electricity charges from the petitioner without demanding the existing alleged arrears as per the undated demand notice reference No.Lr.No.AEE/O&M/Pantheon Road/Audit/ATO having electricity No.143.004.278 undated, which is the subject matter of the dispute and not to arbitrarily make any demand until the existing dispute is resolved through adjudication.



WEB COPY

For Petitioner : Mr. Ambili Menon.P.

For Respondents : Mr. L.Jaivenkatesh
Standing Counsel

ORDER

The petitioner has filed this petition seeking to quash the demand letter dated 09.12.2021 in No.Na.Ka.Se.Po/(E&P0)/Egmore/U.Ka.A/V.P./ Egmore/A.En. 295/21 issued by the second respondent and direct the respondents to receive the payment towards the electricity charges from the petitioner without demanding the existing alleged arrears as per the undated demand notice in reference No.Lr.No.AEE/O&M/Pantheon Road/Audit/ATO having electricity No.143.004.278, which is the subject matter of the dispute and not to arbitrarily make any demand until the existing dispute is resolved through adjudication.

2. The facts of the case are as follows:

The petitioner is a Government of India Enterprises and they availed electricity connection from the respondents. In the petitioner's office, the electricity metre was burnt. However, the second respondent demanded a sum of Rs.8,29,943/- electricity consumption charges on 19.11.2021 for a from 10/2009 to 04/2011. Immediately thereafter, within a month, they issued impugned notice, demanded a sum of Rs.9,50,423/- as consumption charges. Challenging the same, the present Writ Petition has been filed seeking to quash the impugned order.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that without going into the merits of the case, this Court may permit the petitioner to pay a sum of Rs.4,00,000/- (Rupees Four lakhs only) to the second respondent within a period of two weeks and after receipt of the said amount, the respondents shall not stop the electricity connection. The learned counsel further submitted that this Court may permit the petitioner to file an appeal before the Consumer Grievance Redressal Forum under Section 18 of the Supply Code regarding the balance amount, which is mentioned in the impugned order itself.

4. The learned Standing Counsel appearing for the respondents submitted that in the earlier demand notice, the second respondent demanded a sum of Rs.8,29,943/- towards consumption charges. Thereafter, adding the next month's electricity charges issued another impugned demand notice. However, the second respondent rightly assessed the electricity charges and issued the demand notice. Hence, there is no reason



to interfere with the order passed by the second respondent and in view of that, the present writ petition has to be dismissed.

5. Heard the learned counsel for the petitioner as well as the learned Standing Counsel appearing on behalf of the respondents, and perused the materials available on record.

6. Considering the limited request made by the petitioner, this Court passes the following order:

(a) The petitioner is directed to pay a sum of Rs.4,00,000/- (Rupees Four lakhs only) towards consumption charges to the second respondent within a period of two weeks from the date of receipt of a copy of this order;

(b) After making such payment, the petitioner shall file an appeal before the Consumer Grievance Redressal Forum (CGRF) within a period of two weeks, thereafter;

(c) after perusing the said receipt of the payment, the CGRF shall entertain the appeal and dispose of the same as expeditiously as possible; and

(d) after receipt of the aforesaid amount, the second respondent is directed not to disconnect the electricity service connection in respect of the petitioner's firm till the disposal of the appeal, if any filed.

6. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

Rli



To

1. The Assistant Executive Engineer,
The Tamil Nadu Generation and
Distribution Corporation Limited,
Pantheon Road/CEDC Central,
23, East Spur Tank Road,
Chennai-31.

2. The Assistant Accounts Officer,
TANGEDCO,
Egmore Revenue Division,
Egmore Circle,
Chennai-12.

+1cc to Mr. Ambili Menon.P., Advocate, S.R.No.68237

W.P.No.27137 of 2021

KSM[co]
NSK 20/01/2022