

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27818 of 2019

and

WMP.No.27367 of 2019

Srimukha Prescision Products,
Represented by its Authorized Signatory,
S.Suresh,
Regd. Office Plot No.51, 1st Floor,
X South Phase Road,
Ambattur Industrial Estate, Chennai - 55. ... Petitioner

Vs.

1. The Superintending Engineer,
TANGEDCO, Anna Nagar,
Chennai - 40.
2. The Assistant Engineer / O&M, IE /CENTRAL,
TANGEDCO, Ambattur, Chennai - 58 ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the 2nd respondent's order made in nil proceedings dated 29.07.2019, to quash the same and to consequently direct the respondents to forthwith apply the appropriate Supply Code, as per Chapter 2, Para-11(2) of the Supply Code.

For Petitioner : Mr.L.Chandrakumar
For Respondents : Mr.L.Jai Venkatesh

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records relating to the 2nd respondent's order and to quash the same and to consequently direct the respondents to forthwith apply the appropriate Supply Code, as per Chapter 2, Para-11(2) of the Supply Code.

2. The case of the petitioner is that the petitioner is in operation of machine components and has been extended with electricity supply and also regularly paying the consumption charges. While so, the petitioner was issued with a notification

dated 10.10.2018, calling upon the petitioner to pay the shortfall amount of Rs.53,081/-. Aggrieved by the same, the petitioner has made representations dated 29.07.2019 and 01.08.2019 to the 2nd respondent, sought for recalculation as per the Code. But to the shock and surprise, in the representation itself, it came to be endorsed that the period of average as quantified is said to have been corrected and therefore requested the petitioner to pay the shortfall amount immediately. Aggrieved by the same, the present Writ Petition is filed by the petitioner.

3. The learned counsel appearing for the petitioner submitted that in the instant case, for the payment / shortfall dated 10.10.2018, the average which is said to have been taken into account is between 08/2017 and 11/2017 instead 03/2018 and 06/2018, and thereby, the respondent is infracting the statutory prescription and further the petitioner without referring to paragraph 11(2) of the TNERC Supply Code, demanding huge amount against the petitioner is not sustainable and prays for quashment of the impugned order.

4. The learned Standing Counsel appearing for the respondents submitted that as against the demand notice issued by the 2nd respondent, the petitioner is having effective alternative remedy before the Consumer Grievance Redressal Forum. Instead of availing the appropriate remedy, straight away filing the petition before this Court, is not sustainable.

5. Considering the above facts and circumstances, this Court is of the opinion that there is a Forum available for adjudicating these kind of issues and the petitioner without approaching the Forum, filing Writ Petition under Article 226 of the Constitution of India, is not maintainable. Therefore, at this juncture, this Court, without expressing any opinion on the merits of the case, grants liberty to the petitioner to file appropriate petition before the Consumer Grievance Redressal Forum, within a period of two weeks from the date of receipt of a copy of this order. If such application is received, the said Forum is directed to consider the same on merits and it shall not be rejected on the point of limitation.

6. The Writ Petition is disposed of with the above terms. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintending Engineer,
TANGEDCO, Anna Nagar,
Chennai - 40.
2. The Assistant Engineer / O&M, IE /CENTRAL,
TANGEDCO, Ambattur,
Chennai - 58.

Copy to:-

The Consumer Grievance Redressal Forum,
Chennai.

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.66773

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SMI(CO)
CT 21/01/2022