



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.32281 OF 2014

AND

M.P.NOS.1 AND 2 OF 2014

M/s.Venkata Narayana Metals & Realtors Ltd.,
H.T.SC.No.175,
No.4, First Cross Street,
R.A.Puram,
Chennai 600 028.
Rep. by its Manager,
Mr.T.T.Magesh Raj

... Petitioner

Vs.

1. The Chairman and Managing Director,
TANGEDCO,
144, Anna Salai,
Chennai - 600 002.
2. The Superintending Engineer,
Kanchipuram Electricity Distribution Circle,
Kanchipuram 631 502.

...Respondents

PRAYER :

Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in demand in Item No.14 of the Bill No.175 dated 1.12.2014 and quash the same as illegal, arbitrary and untenable under law and against the Supply Code 2004 and Tariff order dated 20.06.2013 and CEA Regulations and consequently direct the 2nd respondent to withdraw the impugned demand in Item 14 of the Bill dated 1.12.2014.

For Petitioner :Mr.P.Srinivas

For Respondents :Mr.L.Jaivenkatesh
For TANGEDCO
[For R1 and R2]



O R D E R

WEB COPY The relief sought for in the present writ petition is to quash the order of the 2nd respondent in demand in Item No.14 of the Bill No.175 dated 1.12.2014 and Tariff order dated 20.06.2013 and CEA Regulations and to direct the 2nd respondent to withdraw the impugned demand in Item 14 of the Bill dated 1.12.2014.

2. The learned counsel for the petitioner raised several grounds, stating that the change in tariff imposed is improper and not in consonance with the Regulations.

3. However, the facts remains that the petitioner is an industry and usage of electricity in several forms are available. Thus, the disputed facts in this regard require an adjudication based on the documents and evidences. Such an elaborate adjudication cannot be undertaken by the Writ Court and therefore, the writ petitioner is bound to exhaust the alternate remedy provided under the Regulations. Further, the order under challenge is the Demand Notice and the Demand Notice has been issued based on the assessment made by the authorities and by determining the charges to be made by following the procedures as contemplated under the Tamil Nadu Electricity Supply Code or under other Regulations. Whenever a demand notice is issued, the option available to the addressee is to respond and settle the amount or raise an objection by approaching the Appellate Authority or the competent Forum constituted for adjudication of all such issues.

4. This being the procedures to be followed, High Court will not be in a position to form an opinion with reference to such disputed issues. Accordingly, the writ petitioner is at liberty to approach the Consumer Grievances Redressal Forum constituted under Regulation 18 of the Tamil Nadu Electricity Supply Code and in the event of filing any such application, the Forum shall take into consideration the period during which the writ petition was pending for the purpose of condoning the delay, if any such application to condone the delay is filed and decide the issues on merits and in accordance with Law and by affording opportunity to all the parties concerned.



5. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman and Managing Director,
TANGEDCO,
144, Anna Salai,
Chennai - 600 002.
2. The Superintending Engineer,
Kanchipuram Electricity Distribution Circle,
Kanchipuram 631 502.

+1cc to Mr.P.Srinivas, Advocate, S.R.No.66878

W.P.No.32281 of 2014

SR(CO)
PM/30/12/2021