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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.557 OF 2022

AND

W.M.P.NO.602 OF 2022

S.K.Kanikaruppaiya

...Petitioner

vs.

1.The Tamil Nadu Generation and
Distribution Corporation Limited,
Rep. By its Chairman,
144, Anna Salai, Chennai-2.

2.The Assistant Engineer,
TANGEDCO,
O & M, Redhills-1,
Chennai Electricity Distribution Circle (West),
TANGEDCO, Redhills, Chennai-52.

...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 Certiorari, to call for the records of the second respondent's impugned notice bearing No. Ka.No.Vu.Po/E Ka Pa/Paa. Nallur/Ko.Va.Pe/A.No. Dated not known and quash the same illegal, arbitrary, against Principles of natural justice and against Regulation 13(2) of the Tamil Nadu Electricity Supply Code, 2004.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.L.Jaivenkatesh
Standing Counsel

ORDER

Mr.L.JaiVenkatesh, learned Standing Counsel takes notice for respondents Nos. 1 and 2. By consent of both the parties, the writ petition is taken up for final disposal at the time of admission stage itself.

2. The petitioner has filed this petition seeking to quash the demand letter of the second respondent bearing No.



Ka.No.Vu.Po/E Ka Pa/Paa. Nallur/Ko.Va.Pe/A.No. dated not known and quash the same illegal, arbitrary, against Principals of natural justice and against Regulation 13(2) of the Tamil Nadu Electricity Supply Code, 2004.

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3. The facts of the case are as follows:

The petitioner is running a rice mill which is a small scale industry registered under the Companies Act. The petitioner is having Low Tension Electricity Supply under the second respondent. While that being so, the second respondent made inspection in the rice mill and issued the demand notice to pay a sum of Rs.11,68,612/- revision of current consumption charges for the year 06/2019 to 10/2021. Challenging the same, the present writ petition has been filed.

4. The learned counsel for the petitioner submitted that the second respondent issued demand notice to pay a sum of Rs.11,68,612/- as current consumption charges for the above said period, which is without any basis and against the Principle of natural justice. The respondent has not issued the demand notice during such period. After lapse of three years, the second respondent has issued the impugned order, which is injustice. 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.

5. The learned Standing Counsel appearing for the respondents submitted that after receiving the demand notice, if the petitioner aggrieved, he has to approach the competent forum to work out his remedy. On the contrary, without challenging the impugned demand notice, the petitioner filed the present writ petition, which is not sustainable. 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.

6. 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.

7. Considering the genuine request made by the petitioner, this Court passes the following order:

(a) The petitioner is directed to pay 50% of the demanded amount towards consumption charges to the second respondent within a period of two weeks from the date of receipt of a copy of this order;



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(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 admit 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.

8. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

Rli

To

1.The Chairman,
The Tamil Nadu Generation and
Distribution Corporation Limited,
144, Anna Salai, Chennai-2.

2.The Assistant Engineer,
TANGEDCO,
O & M, Redhills-1,
Chennai Electricity Distribution Circle (West),
TANGEDCO, Redhills, Chennai-52.

+1cc to Mr.F.Deepak, Advocate Sr.No.3156

+1cc to Mr.L.JaiVenkatesh, Advocate Sr.No.2911

W.P.No.557 of 2022
and
W.M.P.No.602 of 2022

PMK (CO)
RVM(10/02/2022)