



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31-01-2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP NOS.11790 TO 11793 OF 2016

AND

WMP NOS.10173 TO 10176 OF 2016

T.Govindaraj

..Petitioner in WP 11790/2016

P.Duraisamy

..Petitioner in WP 11791/2016

D.Baskar

..Petitioner in WP 11792/2016

S.Loganathan

..Petitioner in WP 11793/2016

vs.

1. The Chairman,
Tamil Nadu Electricity Regulatory Commission,
No.19-A, Rukmini Lakshmipathy Salai,
Egmore,
Chennai - 600 008.

2. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
Anna Salai,
Chennai - 600 002.

3. The Executive Engineer,
Tamil Nadu Generation and Distribution,
Corporation Limited,
Kangeyam,
Tiruppur - 638 701.

4. The Assistant Engineer (O&M),
Tamil Nadu Generation and Distribution,
Corporation Limited,
Palayakottai,
Nathakadaiyur,
Tiruppur - 638 108.

..Respondents in all WPs



WP 11790 of 2016 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the fourth respondent in Ka.No.U.Mi.Po/E&Phe/Pa.Kho./Kattu. Thani/A.No.052/15-16 dated 09.02.2016 and consequential communication issued by the fourth respondent in Lr.No.AE/O&M/PKT/ F.DOC/D.No.Nil/15-16, dated 22.03.2016 and quash the same.

WP 11791 of 2016 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the fourth respondent in Ka.No.U.Mi.Po/E&Phe/Pa.Kho./Kattu. Thani/A.No.119/15-16 dated 16.03.2016 and quash the same.

WP 11792 of 2016 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the fourth respondent in Ka.No.U.Mi.Po/E&Phe/Pa.Kho./Kattu. Thani/A.No.052/15-16 dated 09.02.2016 and consequential communication issued by the fourth respondent in Lr.No.AE/O&M/PKT/ F.DOC/D.No.125/15-16, dated 22.03.2016 and quash the same.

WP 11793 of 2016 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the fourth respondent in Ka.No.U.Mi.Po/E&Phe/Pa.Kho./Kattu. Thani/A.No.052/15-16 dated 09.02.2016 and consequential communication issued by the fourth respondent in Lr.No.AE/O&M/PKT/ F.DOC/D.No.123/15-16, dated 22.03.2016 and quash the same.

For Petitioner in all WPs : Mr.P.Kannankumar

For Respondent-1 in all Wps : No Appearance

For Respondents-2 to 4 : Mr.M.Abdul Kalam,
in all WPs. Standing Counsel for TANGEDCO.

COMMON ORDER

In the orders impugned dated 09.02.2016 and 16.03.2016, levy of excess demand charges and change of tariff and consequential orders passed by the fourth respondent dated 22.03.2016, are under challenge in these present writ petitions.



2. The petitioners got license from the Government of Tamil Nadu respectively on 15.05.2009, 06.05.2009 and 06.10.2009 for starting Micro Industry for manufacturing of Cotton Fabrics. The unit was duly registered with the Government of Tamil Nadu Industries and Commerce Department as Micro Enterprises. Electricity service connection was provided to the petitioners. The petitioners are consuming the electricity and paying the charges regularly. While so, the respondents have issued a demand based on change of tariff. The order states that the petitioners have utilized the electricity over and above the maximum contracted demand and accordingly, calculated the consumption charges and raised the demand. In view of additional usage, change of tariff was adopted and accordingly, the demand is made.

3. However, such disputes cannot be adjudicated in the writ proceedings with reference to the original documents and evidences. The usage ratio, change in tariff with reference to the actual consumption of the electricity by the petitioners, all require an elaborated adjudication by scrutinizing the original documents and evidences.

4. The respondents also disputed the contention raised on behalf of the petitioners by stating that the objections were elaborately considered and therefore, the petitioners are liable to pay the demanded amount.

5. Under these circumstances, the petitioners are at liberty to approach the Consumer Grievances Redressal Forum constituted under Regulation 18 of the Tamil Nadu Electricity Supply Code for adjudication of issues. Exhausting the Statutory remedy is of paramount importance as such original issues deserves an adjudication based on the documents and evidences. In the event of filing any such appeal by the petitioners, the period during which the writ petition was pending before the High Court is to be taken into consideration for the purpose of condoning the delay if any and the issues are to be adjudicated on merits and in accordance with law and as expeditiously as possible.

6. With the abovesaid liberty, these writ petitions stand disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

Svn



To

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WPs 11790 to 11793 of 2016

PCH(CO)
RLP(14/02/2022)