



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25-01-2022
CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.16451 of 2012
And
MP No.1 of 2012

Cholan Paper and Board Mills Ltd.,
Bukkathurai,
Maduranthagam Taluk,
Kanceepuram District,
Represented by its Managing Director
A.R.M.Govindarajan

.. Petitioner

vs.

- 1.Tamil Nadu Electricity Regulatory Commission,
Represented by its Secretary,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road),
Egmore,
Chennai - 600 008.
- 2.The Chairman,
Tamil Nadu Generation and Distribution Corporation
Limited,
144, Anna Salai,
Chennai - 600 002.
- 3.The Chief Engineer,
144, Anna Salai,
Chennai - 600 002.
- 4.The Superintending Engineer,
Chengalpattu Electricity
Distribution Circle,
Chengalpattu.
- 5.The Deputy Financial Controller,
Tamil Nadu Generation and Distribution Corporation
Limited,
Chengalpattu Circle,
Kancheepuram District.

.. Respondents



Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records and quash the same of the fifth respondent in his Bill No.124 dated 16.06.2012 in so far as it relates to the levy of penalty of excess demand charges for Power Holiday period to the tune of Rs.1,49,874/- in Serial No.15 in the impugned Bill as illegal, arbitrary, without the authority of law and consequently forbear the fourth and fifth respondents from levying, demanding and collecting penalty from the petitioner for the alleged excess demand by calculating equivalent demand based on the power purchase from third party, dividing it by number of days instead of dividing the power purchase by number of actual hours power supplied to the petitioner till the power cut, load shedding are in force, and direct the fourth and fifth respondents to give refund/adjustment of the amount already collected from the petitioner.

For Petitioner : Ms.P.T.Rama Devi

For Respondent-1 : No Appearance

For Respondents-2 to 5: Mr.L.Jai Venkatesh,
Standing Counsel for TANGEDCO.

O R D E R

The High Tension Bill for the month of March 2012 issued by the Tamil Nadu Electricity Board is under challenge in the present writ petition.

2. The petitioner is a Mill, involved in the manufacturing of Paper and Paper Boards having High Tension Energy Electricity Supply in H.T.SC.No.124 in Pukkadurai Village, Chengalpattu, Kancheepuram District.

3. The grievances of the writ petitioner is that the High Tension Bill issued by the respondents are erroneous and excess demand has been made. The penalty imposed is also untenable.

4. The petitioner has raised several grounds with reference to the description given in the bill and also the quantum of charges demanded.

5. This Court is of the considered opinion that all such disputed facts require an elaborate adjudication with reference to the documents and evidences available. Such an adjudication cannot be undertaken in a writ proceedings under Article 226 of the Constitution of India.



6. This apart, the petitioner is having an effective alternate remedy under Regulation 18 of the Tamil Nadu Electricity Supply Code. Thus, the petitioner has to approach the Consumer Grievances Redressal Forum for the purpose of adjudication of the disputed facts, so as to redress its grievances.

7. In this view of the matter, the petitioner is at liberty to approach the Consumer Grievances Redressal Forum for the purpose of adjudication of the issues and in the event of filing any such application, the Forum shall taken into consideration the period, during which, the writ petition was pending before the High Court 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 as expeditiously as possible.

8. With the abovesaid directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Svn

To

- 1.The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road),
Egmore,
Chennai - 600 008.
- 2.The Chairman,
Tamil Nadu Generation and Distribution Corporation
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- 3.The Chief Engineer,
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- 4.The Superintending Engineer,
Chengalpattu Electricity
Distribution Circle,
Chengalpattu.



5.The Deputy Financial Controller,
Tamil Nadu Generation and Distribution Corporation
Limited,
Chengalpattu Circle,
Kancheepuram District.

+1 cc to Ms.P.T.Rama Devi, Advocate Sr.NO. 4847

+1 cc to Mr.L.Jai Venkatesh, Advocate Sr.NO. 4839

WP 16451 of 2012

GPL(CO)

A.SK(09.02.2022)