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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2022

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THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.NO.17321 OF 2012
AND M.P.NOS.1 AND 2 OF 2010

Plaza Maintenance & Services Limited
Having its registered office at
769, Spencer Plaza, Anna Salai,
Chennai - 600 002.
Represented by its General Manager,
S.K.Rahamtulla

... Petitioner

Vs.

1. The Tamil Nadu Generation & Distribution Corporation Limited (TANGEDCO),
Rep. by its Chairman and Managing Director,
144, Anna Salai, Chennai - 600 002.
2. The Chairman,
The Tamilnadu Electricity Board,
144, Anna Salai, Chennai - 600 002.
3. The Superintending Engineer,
Chennai Electricity Distribution Circle/Central,
Tamilnadu Electricity Board,
Chennai - 600 034.
4. The Chief Engineer/Commercial,
Tamilnadu Generation & Distribution Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai - 600 002.
5. The State Load Dispatch Centre,
Represented by its Superintending Engineer,
144, Anna Salai, Chennai - 600 002.

... Respondents

PRAYER:

The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to



call for the records of the third respondent relating to Bill No.2245, dated 31.05.2012 quashing the claims/demands for penalties/additional charges as sought for therein as illegal, arbitrary and without authority of law.

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For Petitioner : M/s.Preeti Mohan
For Respondents : M/s.L.Jai Venkatesh
Standing Counsel

O R D E R

The Writ on hand is filed challenging the HT bill issued for the month of May, 2012. The petitioner is a Company maintaining facilities and premises of Spencer plaza, a shopping mall-cum-office complexes in the city of Chennai, Anna Salai.

2. The petitioner states that the HT bill issued is objectionable in view of certain assessment made, which all are not in consonance with the provisions of the regulations.

3. On a perusal of the May, 2012, HT bill, it reveals that the Industrial consumption, Peak hour consumption, Night hour consumption, Belated payment of surcharge, etc., were considered in detail and accordingly, the bill was issued for the month of May, 2012.

4. The bill of demand was issued based on assessment made by the competent authority of the TANGEDCO. In the event of any dispute, an elaborate adjudication is required for the purpose of forming an opinion. Such an adjudication cannot be conducted in the writ proceedings under Article 226 of the Constitution of India in view of the fact that the documents and evidences are to be considered and appreciated. In the event of venturing into adjudication based on the bill of demand, no doubt there is as possibility of prejudice to either of the parties and thus adjudication becomes imminent.

5. On issuance of HT bill, the petitioner has chosen to file the present Writ Petition instead of approaching the appropriate forum for the redressal of grievances without exhausting the remedy contemplated under the Statue, Rules and Regulations.

6. The original facts and issues involved are to be adjudicated by the appellate authority as well as competent forums constituted for such adjudication and the findings of the appellate authority are of paramount importance for the purpose of consideration of the issues in Writ Petition.



7. Thus, the petitioner has to exhaust the remedy contemplated under Regulation 18 of the Tamil Nadu Electricity Supply Code.

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8. In this view of the matter, the petitioner is at liberty to approach the Consumer Grievance Redressal Forum or appellate authority for the purpose of redressal of their grievances. In the event of any such appeal being filed, the authorities shall take into consideration the period, during which the Writ Petition was pending before this Court for the purpose of condoning the delay, if any and decide the issues on merits and in accordance with law as expeditiously as possible.

9. With the above directions, the Writ Petition is disposed of. No costs. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman and Managing Director,
Tamil Nadu Generation & Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai - 600 002.
2. The Chairman,
The Tamilnadu Electricity Board,
144, Anna Salai, Chennai - 600 002.
3. The Superintending Engineer,
Chennai Electricity Distribution Circle/Central,
Tamilnadu Electricity Board,
Chennai - 600 034.
4. The Chief Engineer/Commercial,
Tamilnadu Generation & Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai - 600 002.



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NR (CO)
PM/31/05/2022