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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23983 of 2015
and M.P.No.1 of 2015

M/s.Shriram Metals & Alloys(P) Ltd
H.T.SC. NO.170, No.127/3
Sadayankuppam Main Road
Vaikkadu Village,Manali,
Chennai - 13
Rep by its Managing
Director S.Ganesan

... Petitioner

Vs.

1. The Chairman and Managing Director
Tamil Nadu Generation and
Distribution Corporation (TANGEDCO),
144, Anna Salai, Chennai - 02.
2. The Superintending Engineer
Chennai Electricity Distribution Circle/North
TANGEDCO, 144 Anna Salai
Chennai - 02

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the impugned demand notice issued by the 2nd Respondent in Lr. No.SE/EDC/North/AAO/HT/F.AG Audit/D.No.1352/2015 dated 15.07.2015 and quash the same as illegal arbitrary violation of principles of natural justice and improper application of R & C measures.

For Petitioner : Mr.S.P.Parthasarthy
for Mr.K.Seshadri
For Respondents : Mr.L.Jaivenkatesh

O R D E R

The demand notice dated 15.07.2015 issued by the 2nd respondent is under challenge in the present writ petition. The petitioner is a Private Limited Company incorporated under the Companies Act. The petitioner is engaged in the manufacturing of



M.S. Bars, M.S.Rounds and M.S.Angles. The respondents have sanctioned the petitioner a H.T. Service Connection with a sanctioned maximum demand of 750KVA.

2. Regarding the excess over energy quota charges, a demand notice was issued to the petitioner in the impugned proceedings dated 15.07.2015. Perusal of the order would reveal that the actual excess over energy quota consumption of the petitioner was assessed as 28710 units and accordingly, the charges are demanded when the consumption is quantified and the charges to be paid are also determined. Thus, an adjudication is required for the purpose of deciding the issues. An elaborate adjudication with reference to the documents and evidences are required as the petitioner is questioning the very excess over energy quota consumption and the determination of charges in the demand notice.

3. The demand notice is issued based on certain documents and the decision taken by the authorities in accordance with the provisions of the Act and Rules or Regulations. Once such a decision is taken and demand notice is issued, the person concerned is left with two options. On receipt of any such demand notice the demand made by the authorities competent may be complied with or an objection may be raised before the competent authorities or before the higher authorities or forum.

4. Contrarily, entertaining writ petition directly in respect of demand notices, more specifically, when it requires an adjudication with reference to the documents and evidences, then the relief sought for cannot be considered at all. In the absence of an adjudication with reference to over energy quota consumption and the charges levied, the High Court cannot form an opinion. Thus, in such circumstances, exhausting of the statutory remedy is of paramount importance.

5. In the present case, the petitioner has remedy before the Consumer Grievance Redressal Forum and thereafter before the Tamil Nadu Electricity Ombudsman. Instead of approaching Forum constituted for effective adjudication, the petitioner has chosen to file a writ petition challenging the very demand notice. A rowing enquiry in respect of such over energy quota consumption cannot be undertaken by the High Court.

6. Thus, the petitioner is at liberty to approach the Consumer Grievance Redressal Forum in the manner prescribed and in the event of any such approach, the Forum shall consider the period during which the writ petition was pending before the High 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. It is needless to state that the



Consumer Grievance Redressal Forum constituted by the Chief Engineer would be competent to adjudicate the issues in view of the fact that the original order has been passed by the Superintending Engineer.

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7. With this liberty, the writ petition stands disposed of. No costs. Consequently the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

shr/ska

To

1. The Chairman and Managing Director
Tamil Nadu Generation and
Distribution Corporation (TANGEDCO),
144, Anna Salai, Chennai - 02
2. The Superintending Engineer
Chennai Electricity Distribution Circle/North
TANGEDCO, 144 Anna Salai
Chennai - 02

+1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No.6225

+1cc to Mr.K.Seshadri, Advocate, S.R.No.6713

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GPL(CO)

CT 15/02/2022