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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25248 of 2016

A.Joshkutty
S/o Antony,
Director of Calypso Aquatec Private Limited,
Erakkiarkuppam Village,
Marakkannam Post & Taluk.

... Petitioner

Vs

1. Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Represented by its Chairman,
144, Anna Salai,
Chennai - 600 002.
2. The Superintending Engineer,
Tamil Nadu Generation and Distribution,
Corporation Limited (TANGEDCO),
Villupuram.
3. The Assistant Engineer,
Operations & Maintenance,
Tamil Nadu Electricity Board,
Marakkanam,
Villupuram District.
4. The Junior Engineer,
Operations & Maintenance,
Tamil Nadu Electricity Board,
Marakkanam,
Villupuram District.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the records of the 4th respondent herein his impugned proceedings in his Letter.No. Ka.No.U.Se.Po/West/Thivam/Va.Aa.Ko/A.No. 148/15 dated 26.04.2016 and quash the same.

For Petitioner : Mr.P.Dinesh Kumar

For Respondents : Mr.L.Jaivenkatesh,
For TANGEDCO, For R1 to R4.



O R D E R

The demand notice dated 26.04.2016 is under challenge in the present writ petition.

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2. The petitioner states that he is the Director of Calypso Aquatec Private Limited. He claims that there was no due in respect of the Electricity Charges to be paid to the TANGEDCO. However, the petitioner received a demand notice on 01.10.2015 from the fourth respondent, directing to pay the arrears of Electricity Charges shortly for the period 2008-2009 to the tune of Rs.3,22,946/-. A notice was issued based on the audit objections.

3. The demand notice is the proceedings issued based on the audit objection and by determining the Electricity charges to be paid. In the event of any objection or otherwise, the petitioner has to approach the Appellate Authority or the Consumer Grievances Redressal Forum constituted under Clause 18 of the Electricity Supply Code. High Court cannot adjudicate the disputed facts relating to the Consumption Charges, which is to be done based on the documents and evidences to be produced between the parties. Thus, a writ against the demand notice need not be entertained in all circumstances. In the present case, the petitioner claims that there is no due regarding the Consumption Charges to be paid to the Electricity Board. However, there was an audit objection and based on the audit objection, the impugned notice was issued.

4. Under these circumstances, the petitioner is at liberty to approach the Consumer Grievances Redressal Forum by filing an appropriate application. In the event of filing any such application, the Forum shall consider the period during which the writ petition was pending for condoning the delay, if any, and adjudicate the issues on merits and in accordance with law and based on the documents and evidences.

5. With this liberty, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai,
Chennai - 600 002.
2. The Superintending Engineer,
Tamil Nadu Generation and Distribution,
Corporation Limited (TANGEDCO),
Villupuram.
3. The Assistant Engineer,
Operations & Maintenance,
Tamil Nadu Electricity Board,
Marakkanam,
Villupuram District.
4. The Junior Engineer,
Operations & Maintenance,
Tamil Nadu Electricity Board,
Marakkanam,
Villupuram District.

+lcc to Mr.L.Jaivenkatesh, Advocate SR. No.6157

W.P.No.25248 of 2016

JP-II (CO)
PR (21/02/2022)