



W.P.No.13896 of 2014 &
M.P.Nos.1 & 2 of 2014 & WMP.No.18951 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.12.2022

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.13896 of 2014 &
M.P.Nos.1 & 2 of 2014 & WMP.No.18951 of 2021

V.S.K.Ferro Alloys Limited,
Rep. by its Director S.Mouttou (Power of Attorney),
Having office at No.4, Second Street, Kilpauk Garden Road,
Kilpauk, Chennai – 10.

(Cause title amended vide order dated 26.08.202
made in WMP.No.18951 of 2021
in W.P.No.13896 of 2014 by GKIJ)

... Petitioner

Vs

- 1.The Tahsildar,
Thuthipet Revenue Village,
Thuthipet Taluk, Puducherry.
- 2.The Superintending Engineer,
Puducherry Electricity Department,
137, N.S.C.Bose Road, Puducherry-1.
- 3.The Executive Engineer,
Puducherry Electricity Department,
No.137, N.S.C.Bose Road, Puducherry – 1.
- 4.The Assistant Engineer,
Puducherry Electricity Department,



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Thuthipet Village, Puducherry.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records comprised in the proceedings of the 1st respondent dated 07.05.2014 issued under Section 25 of the Tamil Nadu Revenue Recovery Act, 1864 and quash the same as illegal and consequently issue a Mandamus restraining the respondents, their men, agents, subordinates or any one acting under them from in any manner seeking to assess, demand, collect or levy electricity charges as against the petitioner company without following the due process of law.

For Petitioner : Mr.T.Ravichandran

For Respondents : Mr.V.Vasanth Kumar
Additional Government Pleader

ORDER

The petitioner has challenged a demand prior to attachment of land that has been issued in form-IV pertaining to Section 25 of the Puducherry Revenue Recovery Act, 1970. The impugned communication puts the petitioner to notice of a demand of Rs.2,97,74,263/- to be paid by the petitioner along with interest of 12% per annum.

2.The aforesaid demand is stated to comprise arrears of electricity consumption charges due from the petitioner in respect of the lands comprised in R.S.Nos.27/3, 27/8, 27/9, 27/10 and 27/11 of Thuthipet Revenue Village and



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fixed an outer time frame of 15 days from date of service of the notice, for compliance.

3.Despite there being no interim protection, the respondents have done nothing to proceed further in the matter. To be noted that in the counter filed, the respondents aver that the petitioner was energized from 16.07.1990 and on account of non-payment of C.C.charges, the H.T. service connection was disconnected on 17.09.1996.

4.The agreement entered into qua the parties is stated to have ended on 15.07.2000, but the arrears have been computed up to 15.07.2000 at a sum of Rs.2.97 Crores (approx.). According to the petitioner, it has not been functioning since 1996 and there has been no production thereafter.

5.Prima facie, it appears that since the disconnection was on 17.09.1996, there could be no demand for any subsequent period as admittedly there has been no supply made thereafter. However, the parties are not in a position to assist the Court with either the facts that are relevant to decide the matter or the applicable legal provisions.



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6. One of the questions that would arise is as regards whether the proper procedure has been followed, that is, whether the petitioner has been put to notice prior to raising of the demand. That apart, the question of limitation would also arise, seeing as the demand relates to a period up to 1996 with Form-IV has been issued only in 2014.

7. For the aforesaid reasons, the Court had suggested that the petitioner may apply the Commission constituted under Section 42(5) of the Electricity Act, 2003 ('Act') to address the grievances of consumers. Both learned counsel for the petitioner as well as respondents would accede to this suggestion.

8. Hence, while not disturbing the impugned order passed, the petitioner is permitted to approach the State Commissioner for Grievances constituted under Section 42(5) of the Act and such petition, if filed within a period of four (4) weeks from the date of receipt of this order, shall be decided by the Authority, after hearing the petitioner, within a period of eight (8) weeks thereafter. All contentions are left open for decision de novo.

9. This writ petition is disposed as aforesaid. No costs. Consequently, connected miscellaneous petitions are closed.



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Index : Yes / No

Speaking Order

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