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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

C O R A M

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.14942 of 2017
and W.M.P.No.16177 of 2017

1.V.Selvi

2.V.S.Kalaimagal

...Petitioners

Vs

1. The Assistant Engineer E & Pe/Shenoy Nagar,
Tamil Nadu Generation and Distribution
Corporation Limited,
Tamil Nadu Electricity Board,
Anna Nagar, Chennai - 600 040.

2. The Executive Engineer E & Pe/Shenoy Nagar,
Tamil Nadu Generation and Distribution
Corporation Limited,
Tamil Nadu Electricity Board,
Anna Nagar, Chennai - 600 040.

3. The Managing Director,
Tamil Nadu Electricity Board,
Anna Nagar, Chennai - 600 040.

... Respondents

Prayer Writ Petition filed under Section 226 of the Constitution of India, prayed for the issuance of Writ of Certiorari Mandamus, calling for the records in respect of the impugned letter dated 16.09.2016 issued by the first respondent and to quash the said impugned letter dated 16.09.2016.

For Petitioners: Mr.T.V.Vineeth Kumar

For Respondents: Mr.L.Jai Venkatesh
Standing Counsel

ORDER

This Writ Petitioner has been filed seeking for the issuance of Writ of Certiorari Mandamus, calling for the records in respect of the impugned letter dated 16.09.2016 issued by the first respondent and to quash the said impugned letter dated 16.09.2016.



2.Initially, the petitioner applied for the electricity service connection under the Commercial Tariff V and the same was provided to the petitioner. According to the respondents, for utilizing electricity for the construction purpose, the electricity service connection has to be obtained under the Commercial Tariff VI. Since the petitioners used the electricity service connection for the purpose of construction activities without changing the Tariff V to Tariff VI, the respondents issued the notice dated 16.09.2016, to the petitioner demanding a sum of Rs.44,766/-. The petitioners have given their representation seeking explanation for the demand notice on 30.09.2016 and 06.10.2016. For the said representation, the respondents replied vide letter dated 31.10.2016. Aggrieved over the same, the present Writ Petition has been filed.

3.The learned Standing Counsel appearing for the respondents would submit that, against the impugned order, the petitioners have an alternative remedy and the said impugned orders should be challenged before the Consumer Grievance Redressal Forum as per the Regulation 18 of the Tamilnadu Electricity Supply Code, 2004. Instead of approaching the Consumer Grievance Redressal Forum, the petitioners have approached this Court by invoking Article 226 of the Constitution of India.

4.In reply, the learned counsel for the petitioners submitted that, the petitioner may be permitted to approach the Consumer Grievance Redressal Forum to address their grievance.

5.Upon hearing the learned counsel for the petitioners as well as the learned Standing Counsel appearing for the respondents and perusal of the records, it appears that, the petitioners obtained Commercial Service Connection under Tariff V and carried out the construction activities. As per the Regulation 18 of the Tamilnadu Electricity Supply Code, 2004, if at all, the petitioners needs to carry out construction activities, the petitioners have to get electricity service connection under Tariff VI. The petitioners herein have used the service connection for construction activities under Tariff V and the same is in contravention of the Tamilnadu Electricity Supply Code Regulations. Hence, the petitioner is not entitled for any relief as sought for in the Writ Petition.

6.In such case, this Court is of the view that, even if this matter is referred to the Consumer Grievance Redressal Forum, the petitioners have no case before the Tribunal. Therefore, the request of the learned counsel for the



petitioners to relegate the matter to the Consumer Grievance Redressal Forum does not carry any merits. Hence, the request of the learned counsel for the petitioners is rejected and the Writ Petition deserves for dismissal.

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7. In view of the above, the petitioners are directed to pay a sum of Rs.44,776/- within a period of three months from the date of receipt of a copy of this order. Failing which, the respondents are at liberty to take appropriate action to recover the same in accordance with law.

8. In the result, this Writ Petition is dismissed. No Costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

rst

To:

1. The Assistant Engineer E & Pe/Shenoy Nagar,
Tamil Nadu Generation and Distribution
Corporation Limited,
Tamil Nadu Electricity Board,
Anna Nagar, Chennai - 600 040.
2. The Executive Engineer E & Pe/Shenoy Nagar,
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3. The Managing Director,
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+1 CC to Mr.T.V.Vineeth Kumar, Advocate sr 3558.

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PL(CO)
SP(11/02/2022)