



W.P.No.11451 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.11451 of 2023

Power Engineers Society of Tamilnadu,
rep. by its President S.Gandhi,
45, Balaguru Garden,
Peelamedu,
Coimbatore-641 004.

.. Petitioner

Vs

1.Tamilnadu Electricity Regulatory Commission (TNERC),
rep. by its Secretary,
Sidco Building Complex,
4th Floor, Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai – 600 032.

2.The Chairman and Managing Director,
TANGEDCO,
144, Anna Salai, Electricity Avenue,
Chennai – 600 002.

3.Government of Tamil Nadu,
Secretariat,
rep. by Principal Secretary,
Energy Department,
Chennai – 600 009.



W.P.No.11451 of 2023

4.Union Government of India,
Ministry of Renewable Energy,
rep. by its Secretary,
Sharam Shakti Bhavan,
New Delhi.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing to constitute an expert panel to investigate into the losses of the second respondent/TANGEDCO with the powers to audit the entire functioning of the respondents and to publish an audit report on the financial status of the second respondent/TANGEDCO.

For the Petitioner : Mr.G.Gokul

For the Respondents : Mr.P.S.Raman
Senior Counsel
for Mr.D.P.Arunkumar
for respondents 1 and 2

: Mr.S.Prabhakaran
Government Advocate
for respondent No.3

: Mr.P.G.Santhoshkumar
Senior Panel Counsel
for respondent No.4

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

Power Engineers Society of Tamilnadu, represented by its President, has filed this writ petition seeking issuance of a writ of



W.P.No.11451 of 2023

mandamus directing the respondent authorities to constitute an expert panel to investigate into the losses of the second respondent/ TANGEDCO with the powers to audit the entire functioning of the respondents and to publish an audit report on the financial status of the second respondent/TANGEDCO.

2. A bare perusal of the prayer made in the writ petition shows that a direction in the nature of mandamus is prayed for by the petitioner. It is trite that a prayer for issuance of writ of mandamus can be maintained only if there is a demand and a consequent refusal. The power to issue a mandamus has to be exercised only when the government or a public authority has failed to exercise or has wrongly exercised the discretion conferred upon it by a statute or a rule or policy decision or has exercised such discretion mala fide or on irrelevant considerations and materials.

3. In the case on hand, it is beyond any cavil that before approaching this Court, the petitioner has not approached the respondents by way of a written representation. Therefore, there is



W.P.No.11451 of 2023

no such demand or refusal. Ex consequenti, the writ petition for issuance of a mandamus is not maintainable.

4. For the foregoing reasons, the writ petition is dismissed.

There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
18.04.2023

Index : No
Neutral Citation : No
sasi



W.P.No.11451 of 2023

To:

WEB COPY

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- 2.The Chairman and Managing Director,
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- 3.The Principal Secretary,
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- 4.The Secretary,
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THE HON'BLE ACTING CHIEF JUSTICE
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D.BHARATHA CHAKRAVARTHY, J.

(sasi)

W.P.No.11451 of 2023

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