



W.P.No.10279 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.10279 of 2020

and

W.M.P.No.12494 of 2020

M.Chandrasekar

...Petitioner

Vs.

1. The Executive Engineer (O & M),
TANGEDCO,
Maraimalai Nagar,
Chengalpattu District.

2. The Assistant Executive Engineer,
TANGEDCO,
Maraimalai Nagar,
Chengalpattu District.

3. The Asst. Accounts Officer,
Maraimalai Nagar,
Chengalpattu District.

4. The Assistant Engineer,
O & M,
Maraimalai Nagar Division-1,
Maraimalai Nagar,
Chengalpattu District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a



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Writ of Certiorari calling for the records relating to the demand notice dated 29.07.2019 made in f.vz;./c.ngh. M.M.N-Nfh.jzp/m.vz;. In connection with Service Connection No.565-011-142 issued by the Assistant Engineer. O&M/Maraimalai Nagar, Section – 1, the 4th respondent herein, the 4th respondent and quash the same.

For Petitioner : Mr.A.V.Arun

For Respondents : Mr.L.Jai Venkatesh

ORDER

This writ petition is filed seeking for issuance of a writ of certiorari to quash the demand notice dated 29.07.2019 made in f.vz;./c.ngh. M.M.N-Nfh.jzp/m.vz; in connection with Service Connection No.565-011-142 issued by the 4th respondent.

2. Aggrieved by the issuance of demand notice dated 29.07.2019 by the fourth respondent, demanding a sum of Rs.5,46,597/- towards CC arrears payable by the petitioner, the present writ petition has been filed.

3. The learned counsel for the petitioner contended that the petitioner is the owner of the Industrial shed at A12, SIDCO Industrial Estate Maraimalai Nagar. He further submits that though the said Industrial shed



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was vacant for a period of 8 months ie., from August 2016 to August 2017, the fourth respondent without affording an opportunity of personal hearing to the petitioner, imposed a penalty for a sum of Rs.5,46,597/- towards CC charges to be payable by the petitioner which is unsustainable. Hence, he prayed to allow this writ petition.

4. Per contra the learned counsel appearing for the respondents submits that though the petitioner has filed the above writ petition seeking the aforesaid relief, as against the impugned order dated 29.07.2019, issued by the fourth respondent, there is an effective appeal remedy available before the Consumer Grievance Redressal Forum, without availing such remedy filing the above writ petition is not sustainable. Accordingly he prayed to dismiss the writ petition.

5. Heard learned counsel appearing on either side and perused the materials placed on record.

6. The petitioner claims that the industrial shed has been vacant for a period of eight months for the period from August 2016 to August 2017 and



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also that there was no default in payments of the consumption charges during the above said period. However, the electricity Board pursuant to the interim order passed by this Court, filed a report to that effect dated 23.09.2020 and has also admitted the fact that the meter was found defective from April 2017 till June 2017 and a minimum charge of Rs.3618/- was also paid by the petitioner for the aforesaid period. It is crystal clear from the report submitted by the fourth respondent that there is no material evidence to show that as to how the fourth respondent arrived at a conclusion demanding a sum of Rs.5,46,597/- towards CC charges to be payable by the petitioner and mechanically recorded the statement of the petitioner.

7. However, as rightly pointed out by the learned counsel for the respondents that there is an appeal remedy available before the Appellate authority as against the impugned order passed by the fourth respondent. Hence, the petitioner is at liberty to file an appeal before the Consumer Grievance Redressal Forum. Till such time, the respondents shall not take any coercive steps to disconnect the electricity service connection in the petitioner's premises.



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WEB COPY 8. With the above direction and observaton, this writ petition is dismissed. No costs.

12.06.2023

(rap)

NCC : Yes/ No

Speaking Order : Yes/ No

Index : Yes/ No

To

1. The Executive Engineer (O & M),
TANGEDCO,
Maraimalai Nagar,
Chengalpattu District.
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TANGEDCO,
Maraimalai Nagar,
Chengalpattu District.
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in

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M.DHANDAPANI., J.

Dispensed with for the present.

12.06.2023

(2/2)

(rap)