



WEB COPY



W.A.No.1785 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2023

CORAM :

**THE HON'BLE MR.SANJAY V.GANGAPURWALA,
CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.A.No.1785 of 2021

M/.sVirgin Manufacturing Industries P Ltd.,
SF.No.76/1B2, Ayyampalayam,
Zaminmuthur Post, Pollachi,
Coimbatore District - 642 005,
Rep. by its Managing Director,
N.Baskar .. Appellant

Versus

1. The Chairman and Managing Director,
Tamilnadu Generation and Distribution,
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai - 600 002.
2. The Superintending Engineer,
TANGEDCO, Udumelpet Electricity Distribution
Circle,
Udumelpet - 642 126. .. Respondents

Prayer : Writ Appeal under Clause 15 of the Letters Patent to set aside the order passed by this Court in W.P.No.13672 of 2020, dated 29.06.2021 and allow the Writ Appeal.



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For Appellant : Mrs.N.Kavitha Rameshwar

For Respondents : Mr.P.Wilson, Senior Counsel
for Mr.L.Jaivenkatesh

JUDGMENT

(Judgment delivered by the Hon'ble Chief Justice)

Heard Mrs.N.Kavitha Rameshwar, learned Counsel for the appellant and Mr.P.Wilson, learned Senior Counsel for Mr.L.Jaivenkatesh, learned Counsel for the respondents.

2. The appellant is an auction purchaser. The dispute is with regard to the past dues payable by the auction purchaser. The appellant filed a Writ Petition. The learned Single Judge observed that the appellant may approach the respondent Board and on receipt of any such representation from the appellant, the respondent Board was directed to furnish the breakup details for the arrears amount.

3. The respondent Board directed the appellant to deposit Rs.58,52,536/-. The arrears for the months of June, 2013 and July, 2013



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were also notified. The C.C arrears including dismantling charges after adjusting available C.C.D was notified as Rs.12,22,493/-.

4. The Hon'ble Apex Court in the case of ***K.C.Ninan Vs. Kerala State Electricity Board and Ors.*** reported in ***2023 SCC OnLine SC 663*** has decided that an auction purchaser is liable to pay the past charges. The Hon'ble Apex Court, in the said judgment, further directed the electric utilities to waive the outstanding interest accrued on the principal dues from the date of application for supply of electricity by the auction purchaser.

5. According to Mr.P.Wilson, learned Senior Counsel for the respondent, the Consumer Grievance Redressal Forum would be the appropriate authority to consider the dispute with regard to the billing and the amount payable.

6. The learned Counsel for the appellant submits that the appellant has deposited Rs.15,00,000/- pursuant to the orders of this Court. The electricity supply has also been provided to the appellant.



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7. The appellant may approach the Consumer Grievance Redressal Forum within seven days from today and may raise its grievance with regard to the charges. The parties are at liberty to submit their respective stands before the Forum. The Forum shall also consider the judgment of the Hon'ble Apex Court in ***K.C.Ninan Vs. Kerala State Electricity Board and Ors.*** (cited *supra*) while arriving at the conclusion. The Forum may endeavour to decide the said grievance expeditiously preferably within six weeks from the date of application.

8. Till the Forum decides the dispute amongst the parties, the respondent Board may not take any further steps on the basis of the demand made and the demand made shall be subject to the disposal of the complaint / application by the Forum.

9. This Writ Appeal is disposed of accordingly. There will be no order as to costs. Consequently, C.M.P.Nos.11140 and 11141 of 2021 are closed.

(S.V.G., CJ.)

(D.B.C., J.)



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Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

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2. The Superintending Engineer,
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**THE HON'BLE CHIEF JUSTICE
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D.BHARATHA CHAKRAVARTHY, J.**

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