



WEB COPY



W.P.No.14916 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.14916 of 2017

and

W.M.P.No.16157 of 2017

M/s.Naveen Cotton Mill Private Ltd.
Rep by its Managing Director - R.Anandh
HTSC No.134,
D.No.S3/303 and 3/306 ,
Sathy Main Road, Pungampalli,
Erode District- 638 462.

...Petitioner

-Vs-

The Superintending Engineer,
TANGEDCO,
Gobi Electricity Distribution Circle,
132-D Cutchery Street,
Gobichettipalayam 638 452.

...Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India calling for the records of the respondent culminating in his impugned order No. LRNO.SE/GEDC/DFC/F.CE AUDIT DKT/D. NO.019/2017 dated 9.5.2017 quash the same.



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For Petitioner : Mr.N.L.Rajah, Senior Counsel for
Mr.E.Jayasankar

For Respondent : Mr.I. Syed Sibghatulla, Standing counsel
for TANGEDCO.

ORDER

The demand notice issued to remit a sum of Rs.23,03,516/- by the petitioner is sought to be quashed in the present writ petition.

2. The writ petitioner is a company and one of the leading manufacturers and suppliers of a Melange Yarn and Textile Yarn. The electricity supply to the industry is in the category of HT with the sanctioned demand of 1500 KVA. In respect of the consumption charges, the respondent assessed the same and issued a show cause notice to the petitioner asking them to explain regarding the consumption of electricity made by them.

3. The petitioner submitted a detailed explanation and thereafter the order impugned dated 09.05.2017 was passed, requesting the petitioner to remit a sum of Rs.23,03,516/- within a period of 15 days from the date of the demand notice.



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4. The learned counsel for the petitioner mainly contended that there was no adjudication in respect of the grounds raised by the petitioner in their objection letter and more so, various other mitigating factors raised by the petitioner were not considered by the Superintending Engineer/Distribution.

5. However, the learned Standing Counsel for the Electricity Board made a submission that a complaint is to be filed against the order of demand notice before the Consumer Grievance Redressal Forum constituted under Clause 18 of the Tamil Nadu Electricity Supply Code. The petitioner without exhausting the remedy contemplated under the Supply Code approached the High Court through the writ petition and thus the writ petition is to be rejected.

6. The learned senior counsel appearing on behalf of the petitioner raised a concern that the Superintending Engineer/ respondent who had passed the impugned demand notice is also a member of the Committee in the Consumer Grievance Redressal Forum and therefore, the exercise will become futile. In this regard, this Court has already passed an order



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elaborately stating that the Superintending Engineer who passed the original orders cannot be appointed as a member of the Committee while dealing with the complaint, if any, filed by the aggrieved person against the orders of such Superintending Engineer which is under challenge.

7. Thus, in the present writ petition, Mr.U.S.Pongiannan Superintending Engineer/Distribution, Gobi Electricity Distribution Circle who passed the impugned order dated 09.05.2017 cannot sit as a member of the Consumer Grievance Redressal Forum and the Tamil Nadu Electricity Board must ensure that the officials who are no way connected with the impugned demand notice and its assessment are appointed as a member of the Committee for the purpose of deciding the issues on merits and in accordance with law.

8. In view of the facts and circumstances, the petitioner is at liberty to submit a complaint before the Consumer Grievance Redressal Forum within a period of 4 weeks from the date of receipt of a copy of the order. In the event of receiving any such complaint the Consumer Grievance Redressal Forum shall consider the period during which the writ petition was pending before the High Court for condoning the delay, if any, and



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decide the issues on merits and in accordance with law as expeditiously as possible.

9. With these directions, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

(shr)

27.03.2023

Index : Yes/No

Speaking / Non Speaking Order

Neutral Citation : Yes/No

To

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S.M.SUBRAMANIAM. J.,

(shr)

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