



WEB COPY



WP No.22508 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

CORAM

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

W.P. Nos.17273 of 2017 and 35776 of 2019

and

W.M.P. Nos.18770, 18771 of 2017 and 36674 of 2017

E.Vijayalakshmi

... Petitioner in both the petitions

Versus

1. The Chairman cum Managing Director,  
Tamilnadu Generation and Distribution  
Corporation (TANGEDCO),  
No.144, 10th Floor,  
NPKRR Maaligai, Anna Salai,  
Chennai-2.

2. The Assistant Executive Engineer / Periamet,  
Chennai Electricity Distribution Board / Center TNEB,  
53 EVK Sampath Salai,  
Vepery, Chennai-7.

3. The Executive Engineer (O&M)  
Egmore / CEOC / Central,  
No.47 Malaiyappan Road,  
(Otteri Police Station Lane),  
Chennai - 600 012.

4. The Asst. Accounts Officer  
TNEB, Egmore Electric Circle,  
Cook Salai, Chennai - 600 012,  
(Otteri Police Station Lane).

... Respondents in both the petitions



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Prayer in W.P.No.17273 of 2017: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari calling for the records of the second and fourth respondent in demand notice pursuant to file No.107 dated 28.07.2016 and quash the same.

Prayer in W.P.No.35776 of 2019: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari calling for the records of the second respondent in undated demand notice and quash the same.

For Petitioner : Mr.R.Adhinandan

For Respondents : Mr.L.Jaivenkatesh, SC

### **ORDER**

W.P.No.17273 of 2017 has filed seeking to quash the notice issued by the second and fourth respondents in demand notice pursuant to file No.107 dated 28.07.2016.

2. W.P.No.35776 of 2019 has filed seeking to quash demand notice issued by the second respondent dated nil.

3. The learned counsel for the petitioner submitted that the second respondent issued demand notice to the petitioner to pay the current



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consumption charges, which is without any basis and against the Principle of natural justice. The respondent has not issued the demand notice during such period. After lapse a year, the second respondent has issued the impugned orders, which is injustice. The learned counsel further submitted that this Court may permit the petitioner to file an appeal before the Consumer Grievance Redressal Forum under Section 18 of the Supply Code.

4. The learned Standing Counsel appearing for the respondents submitted that after receiving the demand notice, if the petitioner aggrieved, he has to approach the competent forum to work out her remedy. On the contrary, the petitioner filed the present writ petitions before this Court is unsustainable one. However, the second respondent rightly assessed the electricity charges and issued the demand notice. Hence, there is no reason to interfere with the order passed by the second respondent and in view of that, the present writ petition has to be dismissed.

5. Heard the learned counsel for the petitioner as well as the learned Standing Counsel appearing on behalf of the respondents, and perused the materials available on record.



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6. Considering the genuine request made by the petitioner, this Court passes the following orders:

*(a) The petitioner is directed to pay 50% of the demand amount towards consumption charges in both the petitions to the second respondent within a period of two weeks from the date of receipt of a copy of this order;*

*(b) After making such payment, the petitioner shall file an appeal before the Consumer Grievance Redressal Forum (CGRF) within a period of two weeks, thereafter;*

*(c) after perusing the said receipt of the payment, the CGRF shall admit the appeal and dispose of the same as expeditiously as possible; and*

*(d) after receipt of the aforesaid amount, the second respondent is directed not to disconnect the electricity service connection in respect of the petitioner's possession till the disposal of the appeal, if any filed.*

7. Accordingly, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

20.04.2023

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**M. DHANDAPANI, J**

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