



W.P.No.29025 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29025 of 2017
and
W.M.P.No.31265 of 2017

K.L. Concast (P) Ltd.,
No.147/1, Periya Obulapuram Village,
Madarpakkam Road,
Gummidipoondi,
Tiruvallur District – 601 201,
Rep. By its Vice President – Operation
& Commercial,
M.L.Vyas

...Petitioner

Vs.

- 1.The Chairman and Managing Director,
Tamil Nadu Generation and
Distribution Corporation
(TANGEDCO)
144, Anna Salai,
Chennai – 600 002.
- 2.The Superintending Engineer,
Chennai Electricity Distribution Circle/North,
TANGEDCO,
144, Anna Salai,
Chennai – 600 002.

..Respondents



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Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the Bill No.1914 dated 01.11.2017 issued by the 2nd respondent demanding compensation charges in Item No.12(d) towards low power Factor and Quash the same as illegal and arbitrary and against tariff orders.

For Petitioner : Mr.K.Seshadri

For Respondents : Mrs.Keerthana Sheno
For Mr.L. Jai Venkatesh

ORDER

The demand issued by the 2nd respondent / TANGEDCO, claiming compensation charges for low power Factor is under challenge in the present writ petition.

2. The writ petitioner is an industry, involved in the manufacture of steel billets having High Tension Service Connection No.1914. The sanction demand of the industry is 8000 K.V.A. The petitioner industry is a power intensive industry, for which, electricity must be available for all the 24 hours.

3. In respect of the demand of compensation charges, in Item No.12 (d) towards low power factor, the petitioner/industry have filed the present writ petition.



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4. The compensation charges for low power factor was imposed by conducting an enquiry by the competent authorities with reference to the documents and evidences.

5. Therefore, the issues are to be adjudicated elaborately based on the documents and evidences available on record. Such an adjudication cannot be undertaken by the writ Court under Article 226 of the Constitution of India. The petitioner has to exhaust the alternate remedy contemplated under the Tamil Nadu Electricity Supply Code, more specifically, Clause 18 of the Tamil Nadu Electricity Supply Code stipulates Consumer Grievances Redressal Forum and the petitioner has to approach the Forum for the purpose of redressal of its grievances. The Forum is the competent authority to adjudicate the issues on merits with reference to the documents and evidences. Thus, the petitioner has to place all the records for effective adjudication.

6. The alternate remedy contemplated under the Statute and Rules under no circumstances be dispensed with in a routine manner. The factual findings of this Forum would be of greater assistance for the High Court for exercising the power of judicial review under Article 226 of the Constitution



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of India. Thus, the importance of Appellate/alternate remedy must be availed off before approaching the High Court. Such an opportunity to the aggrieved person need not be denied, which would cause prejudice on some occasions and thus, the petitioner is at liberty to approach the Forum concerned for the purpose of redressal of their grievances by following the procedures as contemplated. In the event of filing any such appeal before the Forum, the period through which the writ petition was pending before the High Court is to be taken into consideration for the purpose of condoning the delay, if any and the issues are to be decided on merits.

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

19.04.2023
(2/2)

Index : Yes

Speaking order

Neutral Citation: Yes

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To

1. The Chairman and Managing Director,
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144, Anna Salai,
Chennai – 600 002.



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2. The Superintending Engineer,
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S.M.SUBRAMANIAM, J.

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