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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.2681 of 2024

and

W.M.P.No.2956 of 2024

M.Padmavathi

... Petitioner

Vs.

1.Tamil Nadu Generation & Distribution Corporation Limited,
(TANGEDCO),
rep by its Chairman,
144, Annasalai, Chennai – 600 002.

2.The Assistant Audit Officer,
Rep. by AP2, Southern region Auditor,
TANGEDCO Audit Branch,
144, Annasalai, Chennai – 600 002.

3.The Assistant Engineer,
Tamil Nadu Electricity Board,
Navalur, OMR Road, Chennai – 17.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second and third respondents herein with respect to the billing letter related to Audit Slip No.66 dated 02.09.2023 and quash the same as illegal insofar as



it relates to the amount of Rs.3,81,941/- levied by the respondents and forbear the respondents their men, agents and representative from levying or enforcing any charges on the petitioner except in accordance with the Section 56(2) of the Electricity Act, 2023.

For Petitioner : Mr.U.M.Shankaar

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel
[TANGEDCO]

ORDER

The letter related to Audit Slip No.66 dated 02.09.2023 issued by the Assistant Audit Officer, demanding the electricity consumption charges is sought to be quashed in the present Writ Petition.

2. The petitioner states that she owns a commercial building which was given lease to run a restaurant. The petitioner is having an electricity connection No.SC.No.296-004-172. The restaurant was managed by the tenant from 07.02.2018 to 31.07.2021. During the COVID-19 Pandemic period of 2020 to 2021, the tenant in the commercial building of the petitioner had a huge loss in the restaurant business and could not continue



the business. Hence, the tenant closed the business and vacated the premises in the year 2021. Thereafter, the meter was not functional during certain period, which was subsequently found by the authorities of the Electricity Board. Therefore, the Assistant Engineer calculated the period from 10/2020 to 01/2021 during which the electricity meter was not functional. Accordingly, a sum of Rs.3,81,941/- was directed to be paid by the petitioner.

3. The learned counsel for the petitioner would submit that the revision of assessment has not been made in terms of Regulation 11 of the Tamil Nadu Electricity Supply Code, 2004. As per Clause 11 of the Tamil Nadu Regulatory Commission's Code and Regulations, the respondents ought to have taken an average of the electricity supplied during the preceding four months from 09/2020 in respect of the above mentioned service connection, which has not been taken into consideration. The electric meter readings are taken in the premises of the petitioner and also the petitioner was aware of the fact that the meter was not functional. In the present case, the demand was made after a lapse of more than 2 years and based on the objections.

4. The learned Standing Counsel appearing on behalf of the Electricity



Board opposed the contention by stating that the action was taken within a period of 2 years and on identification of non-functioning of the electric meter in the premises of the petitioner.

5. May that as it be, these are all the disputed facts between the parties, which all are to be adjudicated by approaching the Consumer Redressal Grievance Forum constituted under Clause 18 of the Tamil Nadu Electricity Supply Code. When the petitioner is having an efficacious alternate remedy under the Supply Code, the said remedy is to be exhausted. Thus, the petitioner is at liberty to approach the Consumer Redressal Grievance Forum for the purpose of adjudication of issues.

6. As far as the impugned order is concerned, it is a demand made based on the identification of the fact that the electric meter in the premises was not functioning during the period of 2020. Thus, the petitioner is at liberty to approach the Consumer Redressal Grievance Forum within a period of two (2) weeks from the date of receipt of a copy of this order. On receipt of any such appeal, the Consumer Redressal Grievance Forum shall adjudicate the same on merits and pass appropriate orders as expeditiously as



possible.

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7. With this liberty, this Writ Petition stands disposed of.

Consequently, the connected Miscellaneous Petition is closed. No costs.

04.04.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

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