



WEB COPY

W.P.No.2954 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No. 2954 of 2024
& WMP.Nos.3210 and 3211 of 2024

M/s. Krishnadevi Carbon Products P Ltd.,
63/3, Athipalayam Road,
Chinnavedampatti, Coimbatore – 641 049,
Represented by its Authorised Signatory,
Mr.G.Balathandayutham

.. Petitioner

VS

- 1.The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai – 600 002.
Represented by its Chairman
- 2.Director Finance,
TANGEDCO,
144, Anna Salai, Chennai – 600 002.
- 3.The Superintending Engineer,
TANGEDCO,
Dindugul Electricity Distribution Circle,
Dindigul.
- 4.The Superintending Engineer,
TANGEDCO,
Coimbatore/North Electricity Distribution Circle,
Coimbatore.
- 5.The Superintending Engineer,



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TANGEDCO,
Coimbatore/South Electricity Distribution Circle,
Coimbatore.

6. Tamil Nadu Electricity Regulatory Commission
4th Floor,
SIDCO Corporate Office Building,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai – 600 266,
Represented by its Secretary

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari calling for the records of 3rd respondent's impugned wind generation statement dated 03.02.2024 insofar as serial no.C008 'Other charges' alone is concerned and quash the same as illegal, arbitrary and without authority of law and contrary to the 2nd respondents Circular Memo dated 03.02.2016, against the order passed by the Hon'ble Appellate Tribunal for Electricity in Appeal No.853 of 2023 dated 30.11.2023.

For Petitioner : Mr.S.P.Parthasarathy

For Respondents : Mr.D.R.Arun Kumar
Standing Counsel

ORDER

Mr.D.R.Arunkumar, learned standing counsel accepts notice for the respondents and is armed with instructions to enable final hearing of this matter, at this juncture.

2. The petitioner challenges the statement showing energy



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generated for January 2024 and demand made in charge code C008 under the description 'Other Charges' of a sum of Rs.10,89,522/-.

3. According to him, this item was the subject matter of show cause notice dated 21.12.2023, to which the petitioner has filed a response on 26.12.2023. Inter alia, the petitioner had sought an opportunity of personal hearing, to enable him to defend his case and clarify various issues. Thus, this is a matter where proceedings are yet to be taken a logical conclusion as no final order has been passed quantifying the demand.

4. According to both the learned counsel, final demand would have to be raised in terms of Regulation 13 of the Tamil Nadu Electricity Supply Code, 2004 dealing with servicing of bills and that reads as follows:-

“13.Servicing of bills

(1) For the HT services, bills shall normally be sent by post or by hand delivery but the licensee takes no responsibility for loss in transit. The consumer should notify the concerned office of the licensee, if no bill or assessment is received. Non-receipt of the bills/assessments will not entitle the consumer to delay payment of the charges beyond the due date. For LT services, entry in consumer meter card shall be the bill of demand and there will be no separate issue of bill.

(2) For any arrears other than the regular current consumption bill, it is the licensee's obligation to inform the consumer by a separate communication with details.”



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5. Regulation 13(2) states that for any arrears other than regular current consumption bill, the only obligation to the licensee is to inform the consumer by way of a separate communication showing the details of the arrears.

6. Circular Memo No.CFC/R/FC/R/DFC-R1/F.HTLT-RTI/D.30/2015, dated 03.02.2016 stipulates the procedure to be followed for publication and for raising a demand in regard to other arrears and including an opportunity for personal hearing.

7. In the present case, the respondent has followed due process by issuing a show cause notice. The show cause notice calls upon the petitioner to submit a reply to the proposals contained therein. The petitioner, tendered an explanation and has thereafter in its reply, dated 26.12.2023 has specifically sought an opportunity of personal hearing which has not been granted .

8. In light of the above admitted sequence of events, the raising of the current consumption bill including the component of 'other charges' even without hearing of the petitioner is contrary to the procedure envisaged set out under circular. Hence, the demand to this extend is set-aside to be reconsidered afresh. Let the petitioner be heard and such demand raised thereafter, if found appropriate and in accordance with



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law.

WEB COPY 9. This writ petition is allowed in the above terms. No costs.

Connected Miscellaneous petitions are closed.

09.02.2024

Index: Yes/No
Speaking order
Neutral Citation: Yes
mpl

To

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