



W.P.No.13028 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.05.2024

CORAM

THE HON'BLE MRS.JUSTICE R.KALAIMATHI

W.P.No.13028 of 2024

and

W.M.P.Nos.14188 and 14189 of 2024

S.Lenin

.. Petitioner

Vs.

1. The Chairman cum Managing Director,
TANGEDCO,
6th Floor, TANTRANSCO Building,
144, Anna Salai,
Chennai – 600 002.
2. The Deputy Chief Internal Audit Officer,
Audit Branch,
Vellore Region,
Kamaraj Maaligai,
Gandhi Nagar, Vellore.
3. The Superintending Engineer,
Vellore,
TANGEDCO.



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4. The Executive Engineer,
O & M, Ranipet,
TANGEDCO, Ranipet.

5. The Junior Engineer,
O & M, Navalpur,
TANGEDCO, Ranipet.

.. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorari calling for the records pertaining to the Impugned Order passed by the second respondent in Letter No.1234/509/F30/F 306-II/ /2023 dated 21.07.2023 and consequential impugned order of the fifth respondent vide Ka.No.068/Vu.po/E & P/ Navalpur / Ko.Thani/2023-24 dated 02.08.2023 (served to the petitioner on 30.04.2024) and quash the same.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.S.Madhusudhanan
Standing Counsel for TANGEDCO

ORDER

The petitioner has filed this writ petition for an order to call for the records pertaining to the impugned order passed by the second respondent by Letter No.1234/509/F30/F 306-II/ /2023 dated 21.07.2023 and



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consequential impugned order of the fifth respondent vide Ka.No.068/Vu.po/E & P/ Navalpur / Ko.Thani/2023-24 dated 02.08.2023 (served to the petitioner on 30.04.2024) and to quash the same.

2. The petitioner submits that the subject matter premises is situated at No.350/5, Ammur Road, Samathuvapuram, Ranipet, bearing electricity connection in Consumer No.238-006-0122, which is owned by his family. The electricity connection was obtained in June 2008, after constructing the commercial building. From 23.12.2009 onwards, the premises was rented out to one Parag Milk Foods Private Limited, who is running the business of chilling plant for storage of the milk. After the said occupation of the premises, the subject property was put to use and the electricity bills were paid promptly as per the bills received.

3. The petitioner further submits that a communication was received vide Ka.No.201/E.Mi.Po/E&Pa/Navalpur/Ko.Va.Mae/A.En, dated



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23.03.2014 from the fourth respondent stating that as per the internal audit conducted, there was a deficiency of Rs.9,90,115/- (Rupees Nine Lakhs Ninety Thousand One Hundred and Fifteen only) in the bill payment for the period from April 2008 to August 2010 and he was asked to pay the same within fifteen days. The petitioner sent an objection letter and it was rejected by the fourth respondent vide communication dated 23.03.2015.

4. Mr.S.Madhusudhanan, learned Standing Counsel appearing for the respondents-TANGEDCO would submit that as per the communication dated 30.04.2024 the demand amount was revised. The inspection committee fixed the amount at Rs.4,68,858/- and the petitioner was asked to pay the said amount within five days, for the default in payment, the electricity connection was disconnected on 07.05.2024.

5. Mr.C.Prabakaran, learned counsel appearing for the petitioner would submit that the assessment was not made in terms of Section 56(2) of the Tamil Nadu Electricity Act, 2003 as no sum due from any consumer



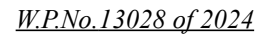
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shall be recoverable after a period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrears of the charges for electricity supplied and the licensee shall not cut off the supply of electricity.

6. From the communication of the respondents dated 31.01.2014, (Audit Slip No.104) there are disputed facts between the parties which have to be adjudicated. This is only possible by approaching the Consumer Redressal Grievance Forum, which is constituted under Clause 18 of the Tamil Nadu Electricity Supply Code. The petitioner has not exhausted the said remedy provided under the Supply Code.

7. Therefore, the petitioner is at liberty to approach the Consumer Redressal Grievance Forum in order to adjudicate the above said issues, within a period of two weeks from the date of receipt of a copy of this order with a condition to deposit 25% of the revised demand amount i.e., Rs.4,68,858/-. On receipt of any such appeal, the Consumer Redressal Grievance Forum shall adjudicate the same and pass appropriate orders as



8. With the above directions, the writ petition stands disposed of.

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Note : Issue order copy by 10.05.2024



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To

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R.KALAIMATHI, J.

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