



WEB COPY

W.P.No



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.256 of 2021
and W.M.P.No.327 of 2021

V.Kalangiyam

... Petitioner

Vs.

1. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
144, Anna Salai, Chennai.

2. The Assistant Engineer (O&M),
Chennai South II/TANGEDCO,
Pallavaram, Chennai – 600 043.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating impugned letter in letter No A.E./O&M/Palla/E/F .Audit/A.No.403/2020 of the 2nd Respondnet herein dated 08.12.2020 and quash the same

For Petitioner	: Mr.A.R.Karthik Lakshmanan
For Respondents	: Mr.L.Jai Venkatesh,
	SC for TANGEDCO

ORDER

The order dated 08.12.2020 passed by the Assistant Engineer, demanding the electricity consumption charges is sought to be quashed in the present Writ Petition.



2. The petitioner is running a blue metal crushing unit. The petitioner is having an electricity connection under LT SC No.246-260-191. 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 12.10.2018 to 11.10.2018 during which the electricity meter was not functional. Accordingly, a sum of Rs.3,27,474/- was directed to be paid by the petitioner.

3. The learned counsel for the petitioner, Mr.A.R.Karthik Lakshmanan would submit that no show-cause notice has been issued before passing the impugned order and thus, it is in violation of the principles of natural justice. 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 counsel for the respondent 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



W.P.No



constituted under Clause 18 of the 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. As far as the impugned order is concerned, it is demand made based on the identification of the fact that the electricity meter in the premises was not functioning during the period of 2018. Thus, the petitioner is at liberty to approach the Consumer Redressal Grievance Forum within a period of 2 weeks from the date of receipt of a copy of this order. On receipt on any such appeal, the Consumer Redressal Grievance Forum shall adjudicate the same on merits and pass appropriate orders as expeditiously as possible.

6. Accordingly, the Writ Petition stands disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

02.02.2024

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Index : Yes

Speaking order

To

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S.M.SUBRAMANIAM, J.

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