



WEB COPY

W.P.No.30455 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 23.01.2024**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No.30455 of 2018**

**and**

**W.M.P.No.35525 and 35526 of 2018**

M/s.G.J.Spinner-Lessee

... Petitioner

Vs.

1. The Superintending Engineer,  
TANGEDCO, Coimbatore Electricity Distribution Circle,  
Coimbatore North.

2. Mr.Shangmughan

... Respondents

[R2 impleaded vide order dated  
11.04.2019 in W.P.No.30455 of 2018]

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent culminating in his impugned bill for the month of October 2918, quash the same, insofar as it relates to the levy ofRs.12,87,666/- (Rupees Twelve Lakhs Eighty Seven Thousand Six Hundred and Sixty Six only) towards excess demand charges.

For Petitioner

: M/s.E.Jaya Sankar

For R1

: Mr.L.Jai Venkatesh,  
SC for TANGEDCO



For R2

: Not ready in notice

**ORDER**

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The demand charges made by the 5<sup>th</sup> respondent and the penalty imposed under Clause 5(2) of the Tamil Nadu Electricity Supply Code, 2004 is questioned by the petitioner in the present Writ Petition.

2. The excess demand charges are imposed, whenever the consumer exceeds sanctioned demand and penalty is also imposed by the Electricity Board under the Supply Code. The learned counsel for the petitioner would submit that the assessment made by the Electricity Board is improper and the petitioner has not committed any violations.

3. Perusal of the order under challenge would reveal that the monthly consumption charge collection details were provided to the writ petitioner and the Board Authorities found that the petitioner had consumed electricity excessively over and above the permitted limit and consequently, imposed penalty by following the procedures. If at all the petitioner is aggrieved, he has to approach the Consumer Grievance Redressal Forum constituted under Clause 18 of the Tamil Nadu Electricity Supply Code, 2004.



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4. Disputed facts relating to the electricity consumption cannot be adjudicated in a writ proceedings and the petitioner has to establish his case by providing documents and evidences available on record. Contrarily, the consumption charges and the demand charges which all are imposed require an elaborate adjudication on merits and therefore, exhausting the alternate remedy contemplated under Clause 18 of the Tamil Nadu Electricity Supply Code, 2004 would be imminent. Thus, the petitioner is at liberty to approach the Consumer Grievance Redressal Forum under 18 of the Tamil Nadu Electricity Supply Code, 2004 for the purpose of redressal of his grievances.

5. Accordingly, the Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

**23.01.2024**

skr

Index : Yes

Speaking order

To

The Superintending Engineer,  
TANGEDCO, Coimbatore Electricity Distribution Circle,  
Coimbatore North.



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**S.M.SUBRAMANIAM, J.**

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