



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-09-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 20843 of 2016

WMP.Nos.17856 & 17857 of 2016

M/s.Ashok Leyland Ltd.,
Rep. by its Head - Legal, Asis Mishra,
PB.No.37, 77 SIPCOT Electronics
Complex, Phase II, Perandapalli,
Hosur-635 109.

Petitioner(s)

Vs

1. The Chairman,
Tamil Nadu Generation and
Distribution Company Ltd.,
(TANGEDCO), No.144, Anna Salai,
Chennai-600 002.

2.The Superintending Engineer,
Tamil Nadu Generation and
Distribution Company Ltd.,
Krishnagiri Electricity Distribution
Circle, Krishnagiri.

3.The Superintending Engineer,
Tamil Nadu Generation and
Distribution Company Ltd., Tirunelveli
Electricity Distribution Circle,



Tirunelveli.

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4.The Superintending Engineer,
Tamil Nadu Generation and
Distribution Company Ltd., Tuticorin
Electricity Distribution Circle,
Tuticorin.

5.M/s.ES Logic Power,
D.No.16, HIG New Housing Board,
2nd Phase, Krishnagiri-635 001.

6.M/s.Sai Venkat Enterprises,
No.127-A, North Red Hills Road,
Janakiram Reddy Colony, Villivakkam,
Chennai-600 049.

7.M/s.Rajkumar Impex Pvt. Ltd.,
No.119, St. Marrys Road,
Abiramapuram, Chennai-600 018.

8.M/s.Prathyusha Power Gen
Pvt. Ltd., 103, Prince towers,
No.25/26, College Road,
Chennai-600 006.

Respondent(s)

PRAYER

This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, calling for the records pertaining to the proceedings bearing Lr.No.SE/KEDC/ KGI/DFC/AAO-HT/ AS-HT/RCS-HT/ F.HTSC 171/ D.No.436/16 dated 07.06.2016 on the file of the 2nd respondent and quash the same.



For Petitioner(s): Ms.Rita Chandran
for M/s.Aiyar and Dolia

For Respondent(s): Mr.J.Ravindran,
Additional Advocate General
Asst. by Mr.L.Jai Venkatesh
for RR1 to R4
RR5 to 8 – Not ready in notice

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorari calling for the records pertaining to the proceedings bearing Lr.No.SE/KEDC/KGI/DFC/AAO-HT/AS-HT/ RCS-HT/ F.HTSC171/D No.436/16 dated 07.06.2016 passed by the 2nd respondent and to quash the same.

2.The case of the petitioner is that the petitioner company's requirement of electricity could not be provided by the TNEB due to shortage of Power in Tamil Nadu Electricity Board and thereby, with a sanctioned demand of 4950 KVA, as against the normal consumption of 13 lakh units, the petitioner was allowed only 4,20,832 units. Likewise, on the maximum demand, the Petitioner Company was allowed to use only 2241 KVA as against the requirement of



4500 KVA. On account of the above, the petitioner company is also purchasing the power from third party sources through the traders. The power so procured was wheeled through TNEB grid and the units supplied were adjusted against the consumption. The petitioner herein made arrangements with the traders such as 5th and 6th Respondents for procurement of power from generators (the 7th and 8th Respondents herein). For that purpose, the consumer has to get NOC from the 2nd respondent whereupon SLDC approval will be granted to purchase power from third party source. Upon granting approval by SLDC to the SE-Generating end, SE-consumer end and to the Generator, the SE-Generating end takes readings from the Generator in the month end and provides the injection statement to the SE-consumer end. On that basis, the consumer and SE adjusts the units as per the statement against the consumed units and the final bill is generated. The units adjusted in the bill are final and the payment to the Generator is made based on the TNEB bill, through the liasoning agency viz., the 5th & 6th respondent.



3. While that being so, suddenly, the 2nd respondent has issued a notice dated 04.03.2016 claiming short levy charges of Rs.5,48,85,243/- for the periods 06/2014, 01/2015, 02/2015 and 03/2015. Thereafter, the petitioner filed W.P.No.9547 of 2016 against the order dated 04.03.2016 and this Court Vide order dated 15.03.2016 remanded the matter back to the 2nd respondent for fresh disposal. Thereafter, the impugned order has been passed by the 2nd respondent after hearing the petitioner and a demand has been made for Rs.5,71,26,840/- and the same is challenged in this Writ Petition.

4. The learned counsel for the petitioner would submit that without conducting proper enquiry by calling the generators and traders, the second respondent has unilaterally arrived at a conclusion and has passed the impugned order, which is not a sustainable one and is clearly in violation of natural justice. Apart from that, the generator has not come before this Court to put forth whether the electricity is injected in the corridor maintained by the respondent TANGEDCO, in which the petitioner has no role to play. The approval of injection statement, is between the generator and the Electricity Board.



However, all these points have not been properly adjudicated by the original authority. On the sole ground, the present Writ Petition has been filed.

5.Mr.J.Ravindran, learned Additional Advocate General, asst. by Mr.L.Jai Venkatesh, learned counsel for the respondents 1 to 4 would submit as against the order passed by the second respondent, there is an effective appeal remedy available before the Consumer Grievance Redressal Forum and also before the Tamilnadu Electricity Regulatory Commission and hence, without exhausting the above said remedy, filing the present Writ Petition is not sustainable one. The learned Additional Advocate General further submitted that an Expert Committee has been constituted for deciding the appeal as against the original authority order and by-passing the same, and filing the present Writ Petition is not a sustainable one. Accordingly, he prays that the present Writ Petition be dismissed.

6.Heard the learned counsel for the petitioner and the learned Additional Advocate General for the respondents 1 to 4 and perused the materials available on record.



7. Since there is an effective appeal remedy available before the Consumer Grievance Redressal Forum and also before the Tamilnadu Electricity Regulatory Commission, by-passing the same and filing the present Writ Petition is not sustainable one and therefore, the Writ Petition stands dismissed, however, liberty is granted to the petitioner to file an appeal before the Consumer Grievance Redressal Forum or before the Tamilnadu Electricity Regulatory Commission for appropriate remedy and the period pending before this Court is excluded, for the purpose of limitation. No costs. Consequently, the connected miscellaneous petitions are closed.

24-09-2025

Tsg

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
WEB COPY

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