



WEB COPY



W.P. No.25913 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2025

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.25913 of 2023

and

W.M.P. Nos.25353 and 25354 of 2023

Bushra Tasneem

... Petitioner

vs.

1. The Chairman,
Tamilnadu Electricity Board,
Anna Salai, Chennai 600 002.

2. The Asst. Electrical Engineer,
Tamilnadu Electricity Board,
Ambur, Tirupattur District.

3. The Junior Engineer,
Tamilnadu Electricity Board,
Thuthiput, Ambur,
Tirupattur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari to call for the Records of the 3rd Respondent in Ka.No.P/E& P/T.Pattu/K. Court case/No. 138/2023-24 dt. 16-08-2023 and quash the same and direct the 2nd and 3rd respondent to pay a sum of Rs.1,20,000/- as damages to the Petitioner herein.

For Petitioner : Mr. Zaffarullah Khan

For Respondents : Mr.S. Madhusudanan
Standing Counsel



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ORDER

This writ petition has been filed seeking quashment of the order passed by the 3rd respondent on 16.08.2023 in Ka.No.P/E& P/T.Pattu/K.Court case/No.138/2023-24 dated 16.08.2023 and consequently direct the 2nd and 3rd respondents to pay a sum of Rs.1,20,000/- as damages to the petitioner.

2. Brief facts:

a. It is averred that the petitioner had obtained an electricity service connection from the respondents. After a lapse of time, the respondents replaced the old meter with a digital meter. During such replacement, it was allegedly found that the meter had recorded lesser consumption for the period from January 2015 to July 2015. Consequently, the respondents / Electricity Board initially raised a demand of Rs.1,78,234/- towards the alleged shortfall for the said period.

b. Upon the petitioner seeking details and clarification with regard to the said demand, the 2nd and 3rd respondents reduced the demand to Rs.1,36,521/- vide proceedings dated 09.09.2015. Challenging the said demand, the petitioner filed a writ petition in W.P. No.33940 of 2015. Pursuant to the interim directions granted at the time of admission, while staying the impugned demand, this Court directed the petitioner to deposit a sum of Rs.54,229/-, which was duly complied with.



c. Subsequently, this Court, by order dated 27.06.2022, directed the respondents to recalculate the demand strictly in terms of Rule 11(2) of the Tamil Nadu Electricity Supply Code, 2004, and further directed the 2nd and 3rd respondents to adjust any excess amount paid by the petitioner in the subsequent electricity bills or refund the same, as the case may be.

d. Thereafter, on 09.11.2022, the 2nd respondent issued a demand calling upon the petitioner to pay a further sum of Rs.66,157/- (being Rs.1,20,386/- minus Rs.54,229/-). It is the contention of the petitioner that the computation and consequential demand were in clear violation of the directions issued by this Court, the petitioner initiated Contempt Petition No.1124 of 2023. Allegedly, as a counterblast to the said contempt proceedings, the 2nd and 3rd respondents disconnected the petitioner's electricity service connection on 21.04.2023.

e. During the contempt proceedings, this Court directed the contemnors to restore the electricity service connection to the petitioner and take further action to resolve the issue. It is the specific grievance of the petitioner that the respondents, instead of computing the demand under Rule 11(2) as directed by this Court, had erroneously invoked Rule 11(5) of the Electricity Supply Code. Consequently, the earlier demand of Rs.66,157/- raised by the 2nd and 3rd



respondents was withdrawn, and thereafter, the 3rd respondent raised a fresh demand of Rs.80,714/- for the period from 21.04.2023 to 16.08.2023.

f. Aggrieved by the said demand, which is alleged to be contrary to the statutory provisions as well as the directions of this Court and seeking payment towards damages to the petitioner, this writ petition has been filed.

3. Learned counsel for the petitioner submitted that the respondents have failed to comply with the directions issued by this Court in W.P. No.33940 of 2015, and the calculations submitted by the petitioner were not taken into consideration while recomputing the alleged demand. He further submitted that the respondents were bound to raise the demand strictly in terms of Rule 11(2) of the Tamil Nadu Electricity Supply Code, 2004, as specifically directed by this Court, and not under Rule 11(5) as has been erroneously done.

4. He drew the attention of this Court to the earlier demand raised by the 2nd and 3rd respondents and subsequently the same was withdrawn, only with a view to avoid contempt proceedings, which itself would demonstrate the arbitrary and mala fide conduct on the part of the respondents. He further submitted that the petitioner has been unnecessarily harassed, as the respondents failed to furnish clear details in support of the alleged demand.

5. He further contended that the demand raised by the 3rd respondent for



the period during which the electricity service connection stood disconnected is wholly unjustifiable and unsustainable in law. On account of such illegal and arbitrary actions, the respondents 2 and 3 are liable to compensate the petitioner for the loss, hardship, and mental agony suffered by her.

6. Learned counsel finally submitted that, pursuant to directions issued by this Court on 19.09.2023, the petitioner also paid a sum of Rs.80,714/-, which was earlier recorded by this Court, under protest, and thus the entire demand raised by the respondents has already been paid. In such circumstances, the respondents are bound to recompute the demand afresh in accordance with law and refund the excess amount collected, if any.

7. Accordingly, the learned counsel prayed for quashment of the impugned demand dated 16.08.2023 issued by the 3rd respondent, for a direction to refund the amount collected upon fresh computation, and for award of damages to the tune of Rs.1,20,000/-, and thus sought allowing of this writ petition.

8. Learned counsel for the respondents raised a preliminary objection as to the maintainability of the writ petition, contending that the petitioner has an effective and efficacious alternative remedy available under the provisions of the Electricity Act and the Tamil Nadu Electricity Supply Code, namely, by approaching the Consumer Grievance Redressal Forum (CGRF). He further



submitted that without exhausting the said statutory remedy, the petitioner has straightaway approached this Court by filing the present writ petition, which is therefore not maintainable. In view of the above, he prays for issuance of appropriate directions by this Court.

9. This Court has carefully considered the rival submissions made on either side and perused the materials placed on record.

10. Though serious allegations have been raised by the petitioner with regard to non-compliance of the earlier directions issued by this Court and improper computation of the demand, this Court is of the considered view that the petitioner has an effective and efficacious alternative statutory remedy under the provisions of the Electricity Act, 2003 and the Tamil Nadu Electricity Supply Code, 2004, by approaching the Consumer Grievance Redressal Forum (CGRF).

11. The issues raised in the present writ petition, including the correct computation of the demand, applicability of Rule 11(2) or Rule 11(5) of the Supply Code, adjustment or refund of amounts already paid, billing during the period of disconnection, and other disputed questions of fact with regard to calculation, are matters which require factual examination and adjudication, and the same can be appropriately examined by the CGRF in exercise of its statutory powers.



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12. In view of the availability of such alternative remedy, and without expressing any opinion on the merits of the rival contentions, this Court is not inclined to entertain the present writ petition under Article 226 of the Constitution of India.

13. Accordingly, the writ petition stands disposed of, granting liberty to the petitioner to work out her remedy before the Consumer Grievance Redressal Forum. If such proceedings are initiated, the same shall be considered by the said Forum on its own merits and in accordance with law, uninfluenced by any observations made herein.

No costs. Consequently, connected miscellaneous petitions are closed.

25.10.2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
vsi2

To
1. The Chairman,
Tamilnadu Electricity Board,
Anna Salai, Chennai 600 002.



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M. DHANDAPANI, J.

vsi2

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