IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2025

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.34991 of 2023
and
W.M.P. No.34948 of 2023

M/s.Eveready Spinning Mills Private Ltd.,
Rep. by its Senior General Manager,
V.B. Sangaiah, ... Petitioner

vs.

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
144, Anna Salai,
Chennai – 600 002.

2. The Chief Engineer,
Non-Conventional Energy Sources
Tamil Nadu Generation and Distribution
Corporation Ltd
144, Anna Salai,
Chennai – 600 002.

3. The Director Finance,

Tamil Nadu Generation and Distribution
Corporation Ltd
144, Anna Salai,
Chennai – 600 002.

4. The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd
Dindugal EDC,
Dindugul. … Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records pursuant to letter made in Lr. No.SE/DEDC/DGL/DFC/AO/R/AAO/HT/F.DOC/D. No.664/2023, dated 14.11.2023 issued by the 4th respondent and to quash the same and consequently directing the respondents to pass afresh orders considering the claim of the petitioner for the rollover of 1,64,25,871 units generated by the petitioner and gone unutilised owing to the non granting of migration or to compensate the petitioner, either to pay or to adjust in Current consumption charge at the rate of Rs.6.75/-, which the respondent is charging the petitioner for a unit and to pass orders.

For petitioner : Mr.Rahul Balaji

For respondents : Mr.D.R. Arun Kumar

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ORDER

This writ petition has been filed to call for the records pursuant to letter made in Lr. No.SE/DEDC/DGL/DFC/AO/R/ AAO/HT/F.DOC/D. No.664/2023, dated 14.11.2023 issued by the 4th respondent and consequently, directing the respondents to pass fresh orders considering the claim of the petitioner for the rollover of 1,64,25,871 units generated by the petitioner, which remained unutilised owing to the non-granting of migration, or in the alternative, to compensate the petitioner either by payment or by adjustment in the current consumption charges at the rate of Rs.6.75/-, being the rate presently charged by the respondents.

2. The petitioner had applied for migration of solar energy vide application dated 17.11.2022 to the 2nd respondent, enclosing all requisite documents and remitting the prescribed fees for the said migration. It is the grievance of the petitioner that, despite receipt of the said payments, the 2nd respondent failed to execute the migration, which consequently resulted in the

loss of sale of 1,64,25,871 units of energy to third parties. It is the contention of the petitioner that they are legally entitled to the existing tariff rate applicable for third party sale and have therefore, requested to adjust the said amount. Subsequently, the petitioner sent a letter dated 19.05.2023 seeking for adjustment of Rs.9,02,93,013/- in the upcoming consumption charges bill, which they are entitled to. As the said letter was not responded, initially, they filed W.P. No.18292 of 2023, pursuant to which, this Court issued directions to the respondents therein to make adjustment of a sum of Rs.9,09,93,013/- towards adjustment of consumption charges. Likewise, they filed various writ petitions seeking respective prayers and thereafter, they addressed a letter to the 4th respondent on 11.08.2023, wherein the break-up details of adjustment were also stated. It is the main contention of the petitioner that the issue in whole was misconceived by the respondents and thereby the petitioner was put to severe hardship. On the other hand, due to non-compliance of directions issued by this Court in W.P. No.18292 of 2023, Contempt Petition was also filed by the petitioner.

3. While things stood thus, the 4th respondent raised a demand, vide order

dated 14.11.2023, contending that the petitioner to pay a sum of Rs.7,72,43,768/- towards current consumption charges from July 2023 to September 2023, within 24 hours from the receipt of the said demand. It is the constant stand of the petitioner that the demand amount, as stated supra is not as per account and correct adjustment has to be worked out. In such a scenario, challenging the order dated 14.11.2023 issued by the 4th respondent, this writ petition has been filed.

4. Learned counsel for the petitioner contended that a demand of Rs.7,72,43,768/- towards current consumption charges between July 2023 and September 2023 made by the 4th respondent, vide order dated 14.11.2023, is highly arbitrary and contrary to the earlier directions of this Court. He drew the attention of this Court to directions issued by this Court on 15.12.2023 and accordingly, the petitioner paid a sum of Rs.2,51,73,974/-. In view of the above, he prayed for quashment of the order dated 14.11.2023 issued by the 4th respondent as well as sought for issuance of appropriate directions to the respondents to pass fresh orders considering the petitioner's claim for rollover

of unutilised units or to compensate by way of adjustment at the tariff rate of Rs.6.75 per unit.

5. Per contra, learned counsel appearing for the respondents submitted that the demand raised by the 4th respondent, vide order dated 14.11.2023 is based on the factual position. Based on the counter affidavit, he argued that the petitioner had already utilised the solar energy units generated, and hence the question of rollover or adjustment does not arise. More particularly, relying para 8 of the counter affidavit, showing details of consumption made by the petitioner, he contended that the generated units have been fully adjusted and the demand raised by the 4th respondent, vide order dated 14.11.2023 is legally sustainable. He further submitted that the petitioner has an effective alternative remedy before the Tamil Nadu Electricity Regulatory Commission (TNERC) to challenge the impugned demand and to seek appropriate reliefs.

6. He also contended that the respondents have acted in accordance with the applicable regulations and tariff orders, and there has been no violation of any direction issued by this Court. Therefore, the writ petition is not

maintainable in view of statutory remedy available to the petitioner and prayed for dismissal of this writ petition.

7. This Court heard the submissions made by learned counsel on either side and perused the materials placed on record.

8. A perusal of materials available on record reveal that while the claim made by the petitioner for adjustment of particular amounts towards consumption charges, however, it is the case of the 4th respondent that the details of the consumption made by the petitioner have been provided to the petitioner based on which the demand has been raised by the 4th respondent. So it is clearly shows that there is a factual dispute with regard to the consumption of the electricity by the petitioner.

9. Be that as it may. It is the specific case of the respondents that there is an effective alternative remedy available before the Tamil Nadu Electricity Regulatory Commission , which is vested with powers to deal with all the issues that have been raised by the petitioner in this writ petition and therefore, the

petitioner has to seek an alternative remedy and cannot come before this Court even at the first instance seeking the aforesaid relief. The available alternative remedy is not disputed by the petitioner. It is the consistent views of the Courts that wherever there is an effective alternative remedy, the parties have to be relegated to avail the said remedy before coming to this Court. In the present case, the alternative remedy is an efficacious remedy and such being the admitted position, necessarily, the petitioner has to avail the said alternative remedy which he has failed to avail. In such view of this matter, necessarily the writ petition cannot be entertained at this stage. Therefore, the petitioner is directed to avail the alternative remedy before the Tamil Nadu Electricity Regulatory Commission (TNERC) to redress the grievances raised in the present writ petition, with regard to the impugned demand and the claim for rollover or adjustment of unutilised solar energy units.

10. Accordingly, the writ petition stands disposed of, directing the petitioner to file an appropriate petition before the Tamil Nadu Electricity Regulatory Commission, within a period of four weeks from the date of receipt

of a copy of this order. Upon such petition being filed, the Regulatory Commission shall consider the alleged loss of the petitioner based on petitioner's claim, on merits and in accordance with law and pass appropriate orders as expeditiously as possible. It is made clear that the payment of Rs.2,51,73,974/- made by the petitioner pursuant to the impugned demand upon orders of this Court shall be subject to the result of the proceedings before the Tamil Nadu Electricity Regulatory Commission. No costs. Consequently, connected miscellaneous petition is closed.

29.10.2025

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

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