



W.P.(MD).No.9524 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.04.2025

CORAM:

THE HONOURABLE **MR.JUSTICE VIVEK KUMAR SINGH**

W.P.(MD)No.9524 of 2025
and
W.P.(MD)No.7124 & 7127 of 2025

M/s. Sashwath Construction Private Limited,
Represented by its Managing Director,
Shri A. Chandramouli.

... Petitioner

-vs-

1. The Director / Distribution,
Tamil Nadu Power Distribution Corporation Limited,
No. 144, Anna Salai, Chennai 600 002.
2. The Chief Engineer / Distribution,
Tamil Nadu Power Distribution Corporation Limited,
Madurai Region,
K.Pudur, Madurai 625002.
3. The Assistant Executive Engineer (O and M),
North / Arasaradi (O and M) Sub Division,
Tamil Nadu Power Distribution Corporation Limited,
Madurai Electricity District Circle / Metro,
A.A. Road, Arasaradi, Madurai – 625 016.
4. The Executive Engineer / Operation /
Pasumalai,(Appellate Authority),
Tamil Nadu Power Distribution Corporation Limited,
Pasumalai,
Madurai 625 004.

... Respondents



W.P.(MD).No.9524 of 2025

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, after calling for the impugned orders vide LR. No. AEE/D/NORTH/ARSDI/CI/F-DOC/D.NO. 156 /2024, DATED 14-10-2024 and LR . NO. EE/O/PMI/F.APPEAL/D.NO.407/2024 DATED 26-12-2024, in the file of the 3rd and 4th respondents, and quash the same and direct the 4th respondent to re-consider the appeal submitted by the petitioner dated 30-10-2024, and withdraw the penalty imposed to the petitioner under section 135, and thereby extend the same opportunity given to other similarly placed consumers.

For Petitioner : Mr.R.Muralikrishnan

For Respondents : Mr.S.Deenadhayalan

ORDER

This writ petition has been filed challenging the impugned orders dated 14.10.2024 and dated 26.12.2024 on the file of the 3rd and 4th respondents respectively with a consequential direction to the 4th respondent to re-consider the appeal submitted by the petitioner dated 30.10.2024 and withdraw the penalty imposed upon the petitioner under section 135 and thereby extend the same opportunity given to other similarly placed consumers.



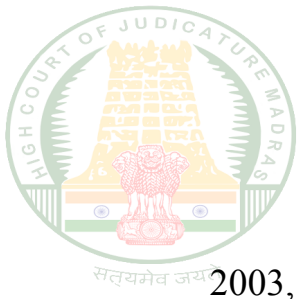
W.P.(MD).No.9524 of 2025

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2. By consent of both parties, this writ petition is disposed at the stage of admission itself.

3. The case of the petitioner is that an order of provisional assessment had been issued alleging unauthorized use of electricity and an amount of Rs.22,85,664/- had been levied as a penal charge under Section 126(5)(6) of the Electricity Act, 2003, for which the petitioner filed an objection and sought for a reasonable opportunity. However, it was denied and the third respondent passed the final assessment order on 14.10.2024 demanding penal amount of Rs.15,17,888/-. As against the same, the petitioner preferred an appeal before the fourth respondent and the fourth respondent passed the impugned order dated 26.12.2024 levying penal charges to the tune of Rs.7,08,292/- and the petitioner has also paid the said amount. Thereafter, the petitioner filed a review before the fourth respondent under Section 127(1) of the Electricity Act, 2003, which was rejected. Hence, this writ petition has been filed.

4. The learned counsel appearing on behalf of the respondents submits that there is no provision of review under Section 127 of the Electricity Act,



W.P.(MD).No.9524 of 2025

WEB COPY

2003, and the petitioner must approach the Consumer Grievance Redressal Forum to raise any objections under Regulation 18 of the Tamil Nadu Electricity Supply Code, within a period of three months from the date of receipt of a copy of this order. Under the provisions of the said statute, the Consumer Grievance Redressal Forum is the competent forum to address the grievances or objections arising under the Electricity Act, 2003.

5. Heard the learned counsel for the parties and perused the materials on record.

6. Upon considering the submissions, this Court finds that the petitioner's grievance regarding levying of penal charges alleging unauthorized use of electricity falls within the purview of Regulation 18 of the Tamil Nadu Electricity Supply Code. Under the provisions of the Act, the Consumer Grievance Redressal Forum is the competent forum to address any objections or grievances related to such matters. Therefore, the petitioner is directed to approach the concerned Consumer Grievance Redressal Forum to raise all his objections on the grounds raised in this writ petition, within a period of three months from the date of receipt of a copy of this order.



W.P.(MD).No.9524 of 2025

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7. This writ petition is disposed of with the above directions. No costs.

Consequently, connected miscellaneous petitions are closed.

04.04.2025

NCC : Yes/No
Index : Yes / No
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W.P.(MD).No.9524 of 2025

VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.9524 of 2025

Dated:
04.04.2025