



WEB COPY

WA No. 2060 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

**WA No. 2060 of 2023
and C.M.P.No.17512 of 2023**

1. The Chairman
Tamil Nadu Electricity Board, No.800,
Anna Salai, Chennai 2.
2. The Superintending Engineer
Chennai Electricity Distribution Circle
South, K.K. Nagar, Chennai 78.

..Appellant(s)

Vs

Marg Ltd
Formerly Known as MARG Constructions Ltd.,
Rep by Mr. M. Sivaraman, Head Legal and
Authorised Signatory, No.4/318, Marg Axis,
Old Mahabalipuram Road, Kottivakkam,
Chennai 41.

..Respondent(s)

To set aside the order dated 20.09.2022 made in WP.No.
15908 of 2008.

For Appellant(s): Mr.P.Kumaresan,
Additional Advocate General
assisted by Mr.L.Jaivenkatesh

For Respondent(s): A.Gokula Krishna



JUDGMENT

(Judgment of the Court was delivered by S.M.Subramaniam J.)

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Under assail is the writ order dated 20.09.2022 passed in W.P.No. 15908 of 2008.

2. The Tamil Nadu Electricity Board is the appellant before this Court. The respondent, Marg Limited, instituted the writ proceedings challenging the demand notice issued for recovery of monthly minimum charges. Since the writ Court allowed the writ petition, the Electricity Board has preferred the present intra- Court appeal.

3. In the present case, the respondent had challenged the demand notice before the writ court without exhausting the statutory remedy. This Court in similar facts and circumstances, vide judgment dated 03.03.2026, passed in W.A.Nos.1928 & 1936 of 2023, has held that when a statutory remedy is available for enforcing the right or liability, before exhausting the same, filing writ petition, invoking the discretionary remedy under Article 226 of the Constitution of India, cannot be entertained. The relevant paragraphs of the said judgment are extracted hereunder:

22. This Court holds that the writ petitions filed against the demand notices issued by the Board as well as the authorities are not maintainable. Such demand letters, per se, cannot provide a cause of action unless such demand is made by an incompetent authority having no jurisdiction or is



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tainted with the allegations of mala fides. In all other circumstances, the demand notice is to be challenged before the competent authority by exhausting the alternate remedies contemplated under the statutes and Rules. Entertaining such writ petitions by the High Court results in prejudice to either of the parties, and that being the situation, the writ Courts are expected to exercise restraint in entertaining such writ petitions filed challenging the demand notices or show cause notices.

23. With these observations, the impugned order dated 25.07.2022 passed in W.P.Nos.36209 of 2007 and 23556 of 2008 is set aside and Writ Appeals stand allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

4. In view of the judgment delivered by this Court in similar issue cited supra, the present Writ Appeal deserves to be allowed. Accordingly, the writ order impugned is set aside and the Writ Appeal stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (K.S.,J.)
10-03-2026

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

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**S.M.SUBRAMANIAM, J.
AND
K.SURENDER, J.**

vsi

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