

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2015

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.39206 of 2015
and MP.Nos.1 & 2 of 2015

M.R.Saradha

.. Petitioner

Vs

1.The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai-2.

2.The Executive Engineer,
Tamil Nadu Electricity Board,
TANGEDCO, Tiruppur.

3.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
TANGEDCO, Bridgeway Colony,
Tiruppur.

4.The Assistant Executive Engineer,
Enforcement
Tamil Nadu Electricity Board,
TANGEDCO, Tiruppur.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent by his order dated 23.11.2015 in Ref.Ka.No.Vu.Se.Po/E.Pe./Pe.Ve.Ka/T/Ko.Thani/Sl.No.15 and consequential order dated 04.12.2015 in Ref.Ka.No.Vu.Se.Po/E.Pe./Pe.Ve.Ka/T/Ko.Thani/Sl.No.136/15 and quash the same and direct the 3rd respondent to re-assess the amount payable based on the actual power utilized by the petitioner in the premises bearing Door No.11, Lakshmi Nagar, Jupiter Company backside, Tiruppur under Service Connection No.205-007-393.

For Petitioner

: Mr.S.Anburaja

For Respondents 1 to 4

: Mr.S.K.Rameshwar

Standing Counsel for TNEB

ORDER

Heard Mr.S.Anburaja, learned counsel appearing for the petitioner and Mr.S.K.Rameshwar, learned Standing Counsel appearing for the respondents and by their consent, the Writ Petition is taken up for final disposal.

2. The petitioner has filed this Writ Petition challenging the proceedings dated 23.11.2015 and the consequential proceedings dated 04.12.2015, in and by which, the petitioner has been called upon to remit a sum of Rs.14,31,685/-. The allegation against the petitioner who is a commercial consumer running an ice factory with 3 phase connection is that the consumption in one of the connection has not been recorded. Therefore, the amount has been demanded.

3. As rightly pointed out by the learned Standing Counsel appearing for the respondents, the petitioner in her representation dated 05.12.2015 has stated that she proposes to move the Consumer Grievance Redressal Forum (CGRF) and, therefore, the respondents 3 and 4 should not enforce the demand against the petitioner.

4. Before this Court, the learned counsel appearing for the petitioner would submit that the petitioner is ready and willing to go before the said Forum. But, in the interregnum, the petitioner's electricity connection should not be disconnected, since it is a running industry, viz., ice factory.

5. After hearing the learned counsel for the parties and after perusing the materials placed on record, it is seen that there is a remedy provided under the Electricity Supply code viz., a consumer Forum, which is a body consisting of 3 members headed by the Superintending Engineer and two other members and the said Forum will be competent to adjudicate the entire matter, since certain technicalities are involved in the matter. Therefore, it would be appropriate for the petitioner to move the said Forum at the earliest. However, since the petitioner is under the threat of disconnection of electricity supply, this court is of the view that, this liberty could be granted subject to certain conditions.

6. In the result, the Writ Petition is disposed of by directing the petitioner to remit a sum of Rs.4,00,000/- on or before 28.12.2015, before the third respondent. If the petitioner remits the said amount within the time permitted, the electricity connection shall not be disconnected. On such deposit, two weeks therefrom, the petitioner shall file an application before the CGRF, which shall consider the application on merits and in accordance with law.

7. In the event, the petitioner fails to comply with any one of the conditions namely, the condition regarding deposit of money or condition regarding filing of petition before the CGRF, then the benefit of this order will not enure to the petitioner and the respondents would be entitled to proceed with the matter in accordance with law, pursuant to the impugned order. Connected miscellaneous petitions are closed. No Costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ds/nvi
To:

- 1.The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai-2.
- 2.The Executive Engineer,
Tamil Nadu Electricity Board,
TANGEDCO, Tiruppur.
- 3.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
TANGEDCO, Bridgeway Colony, Tiruppur.
- 4.The Assistant Executive Engineer, Enforcement
Tamil Nadu Electricity Board,
TANGEDCO, Tiruppur.

+1cc to Mr.S.K. Rameshwar, Advocate, S.R.No.67082
+1cc to Mr.Anburaja, Advocate, S.R.No.67035

MG(CO)
EU(21/12/2015)

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