

In the High Court of Judicature at Madras

Dated : 17.12.2015

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.39703 of 2015 and MP.No.1 of 2015

Ayyanar Matriculation Higher
Secondary School (run by Andiappa
Udaiyar Trust), rep.by its
Correspondent Mr.A.Mohan ...Petitioner

Vs

- 1.The Chairman, TANGEDCO, Anna
Salai, Chennai-2
- 2.The Superintending Engineer, Cuddalore
Electricity Distribution Circle,
TANGEDCO, Cuddalore, Cuddalore District.
- 3.The Assistant Executive Engineer
(Operation and Maintenance),
TANGEDCO, Veppur, Veppur Taluk,
Cuddalore District.
- 4.The Assistant Engineer (Operation
and Maintenance Rural/South),
TANGEDCO, Veppur, Veppur Taluk,
Cuddalore District.
- 5.The Assistant Accounts Officer,
Revenue Branch, TANGEDCO,
Vriddhachalam & Taluk, Cuddalore
District.

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Certiorari to call for the
records pertaining to the impugned orders in
Lr.No.Asst.Engineer/O&M/Veppur/Ko.K.No.55/2015/ 30.5.2015 in
another Lr.No.Asst.Engineer/O&M/Veppur/Ko.Ka/A.No.131/ 2015
dated 26.8.2015 issued by the fourth respondent and quash the
same.

For Petitioner : Mr.R.Neelakandan

For Respondents : Mr.M.Varunkumar

ORDER

Mr.M.Varunkumar, learned Standing Counsel takes notice for the respondents. Heard the learned counsel for the petitioner. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner, which is an educational institution, established and administered by a charitable trust, has approached this Court challenging the demand made by the respondent Board with regard to the electricity consumption charges.

3. Though several grounds have been raised by the petitioner, as rightly pointed out by the learned Standing Counsel for the respondent Board, in terms of Clause 18 of the Tamil Nadu Electricity Supply Code, all grievances of consumers relating to the provisions of Regulations 3 to 17 of the Supply Code shall be referred to the Consumer Disputes Redressal Forum concerned, constituted under the Electricity Act. This Forum being a specialised body specially constituted for such purposes, it would be appropriate for the petitioner to approach the said Forum.

4. The learned Standing Counsel for the respondents also submits that the petitioner may be directed to file an application before the Consumer Disputes Redressal Forum concerned and it will be considered in accordance with law.

5. However, in the interregnum, the petitioner apprehends disconnection of electricity supply.

6. It is seen that the petitioner remitted a sum of Rs.55,000/- on 23.10.2015 and another sum of Rs.53,299/- on 20.11.2015.

7. In the light of the above, the writ petition is disposed of with a direction to the petitioner to file appropriate application before the Consumer Disputes Redressal Forum concerned within three weeks from the date of receipt of a copy of this order. If such an application is filed, the Consumer Disputes Redressal Forum concerned shall consider the case of the petitioner after affording an opportunity of personal hearing and pass appropriate orders within two months of the conclusion of the personal hearing. In view of the payments made by the petitioner, till the Consumer Disputes Redressal Forum concerned decides the application to be filed by the petitioner, the electricity supply shall not be disconnected. It is made clear that whatever payments made by the petitioner pursuant to the impugned communication are without prejudice to

the contentions that may be raised by the petitioner before the Consumer Disputes Redressal Forum concerned. No costs. Consequently, the above MP is closed.

Sd/-
Assistant Registrar (CS-II)

True Copy

Sub Assistant Registrar

To

1.The Chairman,
TANGEDCO,
Anna Salai,
Chennai-2

2.The Superintending Engineer,
Cuddalore Electricity Distribution Circle,
TANGEDCO, Cuddalore,
Cuddalore District.

3.The Assistant Executive Engineer
(Operation and Maintenance),
TANGEDCO, Veppur,
Veppur Taluk,
Cuddalore District.

4.The Assistant Engineer (Operation and Maintenance
Rural/South),
TANGEDCO,
Veppur,
Veppur Taluk, Cuddalore District.

5.The Assistant Accounts Officer,
Revenue Branch,
TANGEDCO,
Vriddhachalam & Taluk,
Cuddalore District.

+1cc to Mr.M.Varunkumar, Advocate Sr.68887
+1cc to Mr.T.Gandhi, Advocate sr.68054

WP.No.39703 of 2015
and MP.No.1 of 2015

jv[co]
srg 04/01/2016