

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.13226 of 2016
and
W.M.P.No.11596 of 2016

R.Andi
S/o.Raji Gounder

..Petitioner

vs.

- 1.The Electricity Ombudsmen,
No.19, Rukmani Lakshmipathy Salai,
Egmore, Chennai - 600 008.
- 2.The Superintending Engineer,
Dharmapuri Electricity Distribution Circle,
TANGEDCO, Dharmapuri - 636 705.
- 3.The Executive Engineer,
Operation and Maintenance,
TANGEDCO, Kadathur,
Dharmapuri District.
- 4.The Assistant Electrical Engineer,
Ramienahalli, TANGEDCO,
Pappireddipatti Taluk,
Dharmapuri District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent in relation to Letter No.Ka.N.Che.Po/EPa/KaTa/Va.Oo/ Ko.Ma.Po.Manu/No.1414/2015 dated 02.10.2015, signed on 02.11.2015 and quash the same and issue a consequential direction to the respondents 3 and 4 to effect electricity service connection to the petitioner's Well located in Survey No.58/3A1 as per the sanctioned Estimate No.676/A61/044 dated 17.08.2011 and as per the ready list, as per the order dated 28.11.2012 of the Consumer Grievances Redressal Forum, Dharmapuri of TANGEDCO.

For Petitioner : Mr.R.Saseetharan
For Respondents : Mr.M.Varunkumar

O R D E R

Heard Mr.R.Saseetharan, learned counsel for the petitioner, Mr.M.Varunkumar, learned standing counsel for respondents. By consent, the main writ petition itself is taken up for disposal.

2. The petitioner applied for grant of free electricity service connection under the Self Finance Scheme by remitting Rs.50,000/- before the respondent TANGEDCO. The application was registered as KTR 126/6.7.2010. The petitioner waited patiently for all these years for the service connection to be granted to him. Since no action had been taken for nearly two years, the petitioner has approached the Consumer Grievance Redressal Forum, Dharmapuri and filed an application. The Superintending Engineer, Dharmapuri, who is the Chairman of the Forum, passed an order on 28.11.2012 stating that the petitioner's application has been take note of and supply will be effected within 31.03.2013. In spite of the said order, nothing transpired for the next three years. Therefore, the petitioner submitted a representation on 23.02.2015. On receipt of the representation, the third respondent has informed the petitioner by order dated 02.10.2015 that the application received up to 08.09.2008 alone have been cleared and the petitioner has to wait till his seniority reaches, the zone of consideration. This order is impugned in this writ petition.

3. From the stand taken in the impugned order, it is clear that the same is directly contrary to the order passed by the Superintending Engineer/Chairman of the Consumer Grievances Redressal Forum, who had issued direction to effect supply on or before 31.03.2013. However, if factually the order was incorrect, then the petitioner ought to have been intimated as to why the order could not be implemented. The petitioner has not been informed that the earlier applications filed in the year 2008-09 are pending and the petitioner has to wait till his seniority reaches. Without furnishing the necessary information, the impugned order has been passed. Taking note of the fact that the impugned order is inconsistent with the stand taken by the Chairman of the Consumer Grievances Redressal Forum, the matter requires to be considered at the level of Superintending Engineer to ascertain the full facts.

4. Accordingly, there will be a direction to the petitioner to forward a copy of the representation dated 20.10.2015 along with a copy of this order to the second respondent. On receipt of the same, the second respondent is directed to consider the same by calling for records from the office of the third respondent, examine the same, pass a speaking order and communicate the said order to the petitioner so as to enable him to know the exact state of affairs which will afford an opportunity to the petitioner to question the said proceedings,

if he is aggrieved. The said exercise shall be completed within a period of eight weeks from the date of receipt of the petitioner's representation.

The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

gm

s/d-

Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

- 1.The Electricity Ombudsmen,
No.19, Rukmani Lakshmipathy Salai,
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Dharmapuri District.

+ 1 cc to Mr.R.Saseetharan, Advocate SR 22608

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