

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Writ Petition Nos.13514, 13515 and 16613 of 2003

M/s Naveen Enterprises,
represented by its Proprietor
Mr.N.Selvaraj
No.191/5-A, Anagalamman Koil Street,
Nagalkeni, Chromepet,
Chennai 600 044.

...Petitioner in W.P.No.13514/03

Mr.B.S.Hameed
Aswin Leathers Campus
No.31,Thiruneermalai Main Road
Nagalkeni, Chromepet
Chennai 600 044

.. Petitioner in W.P.No.13515/03

Mr.A.Kanagaraj
P.V.K.Footwear
No.2, Zulaikha Street,
Puduvai Nagar,
Chromepet
Chennai 600 044

..Petitioner in W.P.No.16613/03

..vs..

1. The Superintending Engineer
Chennai Electricity Distribution
Circle (South)
Tamil Nadu Electricity Board
Anna Main Road, K.K. Nagar
Chennai - 600 078.

2. The Assistant Executive Engineer
Operation & Maintenance
Tamil Nadu Electricity Board
Kadapperi
Chennai-600 045.

3. The Assistant Engineer
Operation & Maintenance
Tamil Nadu Electricity Board
Sripuram, Chrompet
Chennai - 600 044.

... Respondents

Petitions filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to forbear from levying any penalty for low power factor, upon the petitioners in respect of L.T.C.T.S.C.Nos.252-582-77, 252-581-405 and 248-383-297 respectively.

For Petitioners : Mr.R.Ravi

For Respondents : Mr. Dhilip Kumar, GA

C O M M O N O R D E R

The writ petitions are filed praying for the issuance of a Writ of Mandamus directing the respondents to forbear from levying any penalty for low power factor, upon the petitioners in respect of L.T.C.T.S.C.Nos.252-582-77, 252-581-405 and 248-383-297 respectively.

2. When the matters are taken up for hearing, it is brought to the notice of this Court that in similar circumstances, in W.P.No.11462 of 2003, this Court, by order dated 14.07.2005, has passed the following order:-

"The writ petition is filed praying for the issuance of a Writ of Mandamus directing the respondents to forbear from levying any penalty for low power factor, upon the petitioner in respect of L.T.C.T.S.C.No.252-582-94.

2. Learned counsel appearing for the petitioner, after arguing the case on merits for some time, as the issue involved is sum of facts and in order to prove the facts it requires some evidence, submits that the petitioner may be permitted to file an appeal before the Consumer Grievances Redressal Forum under Clause 18 of the Tamil Nadu Electricity Code as the authorities will be more informed about the technicalities of the power factor issue. Clause 18 reads as follows:-

" All grievances of the consumers, relating to the provisions under Regulations (3) to (17) of this Code shall be referred by the consumer to the respective Consumer Grievances Redressal Forum"

3. The petitioner can move the forum, as the grievance comes within the above enumerated provision.

With this observation, the writ petition is disposed of. No costs".

3. In the light of the above, these writ petitions are closed, with liberty to the petitioners to work out their remedies in the manner known to law. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

1. The Superintending Engineer
Chennai Electricity Distribution
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Tamil Nadu Electricity Board
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