

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :06.07.2018
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.32979 of 2014
and
W.M.P.No.1 of 2014

S.Sengoda Gounder Educational and Charitable trust,
represent by its Chairman
Dr.S.Thangavelu, 9/1,V.K.L.Nagar Extension,
Thudiyalur, Coimbatore-641 034.

..Petitioner

vs

- 1.The Junior Engineer I Grade,
Tamilnadu Electricity Generation and Distribution Board,
Coimbatore Electricity Distribution Division/City,
Athappa Goundan Pudur,
Coimbatore-103.
- 2.The Superintendent Engineer/City,
Coimbatore Metro Circle,
Tamilnadu Electricity Board,
TATABAD,
Coimbatore-641 012.
- 3.The Executive Engineer,
Distribution,
Tamilnadu Electricity Board,
Ondiputhur,
Coimbatore-641 062.
- 4.The Asst. Executive Engineer,
Tamilnadu Electricity Board,
Distribution,
Singanallur,
Coimbatore.
- 5.The Chief Engineer,
Tamilnadu Electricity Board,
Distribution,
Coimbatore Region,
Tata Bad,
Coimbatore-641 012.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorari to
call for the records dated 27.11.2014 made in

Ka.No.E.M.PO/AA.Ka.PUDUR/Ka.KATTU/AA No.58/14-15 on the file of the first respondent relating to the Electricity service to the petitioner number 03062002640 in the name of the consumer SENGODA GOUNDER.

For Petitioner : Mr.C.Subramanian

For Respondents : Mr.S.K.Rameshwar

O R D E R

The order impugned dated 27.11.2014, is in relation to the demand in respect of the usage of Electricity by the writ petitioner. The writ petitioner filed the present writ petition challenging the said demand on the ground that excess charges are imposed on him.

2.The learned counsel appearing on behalf of the writ petitioner states that the demand raised by the respondents are not in consonance with the actual usage of Electricity by the writ petitioner, and even, in the affidavit filed in support of the writ petition, the writ petitioner has set out certain factual details in respect of the usage of Electricity by the writ petitioner. Thus, the grievances of the writ petitioner are in relation to certain factual aspects in respect of the usage of Electricity. Disputed facts can never be adjudicated in the writ proceedings under article 226 of the constitution of India. All such disputed facts are to be adjudicated before the authorities constituted for this purpose. The writ petitioner is at liberty to submit all the documents grounds and pleadings before the Consumer Grievances Redressal Commission, constituted for the purpose of resolving these issues under clause 81 of the Tamil Nadu Electricity Supply Code, and it is a Appellate Forum. It is a commission constituted for the purpose of redressing the grievances of the consumers of Electricity.

3.This being the specialized Forum constituted, the writ petitioner cannot move this Court for the purpose of adjudicating the disputed facts. Such, disputed facts ought to be resolved only by submitting documents and by adducing evidences. Thus, the writ petitioner has to approach the Consumer Grievances Redressal Forum for the purpose of adjudicating the grievances in respect of usage of the Electricity and the demand raised by the respondents. In this view of the matter, the issues raised in this writ petition cannot be adjudicated and it is left open to the writ petitioner to approach the Consumer Grievances Redressal Forum for the purpose of redressing his grievances.

4. Accordingly the Writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Junior Engineer I Grade,
Tamilnadu Electricity Generation and Distribution Board,
Coimbatore Electricity Distribution Division/City,
Athappa Goundan Pudur, Coimbatore-103.
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Coimbatore Metro Circle,
Tamilnadu Electricity Board,
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+1cc to Mr.S.K.Rameshwar, Advocate sr.no.44480

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nr 26/07/2018