

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 13.08.2018
CORAM:
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
W.P. No. 9018 of 2013
and MP.No.2 of 2013

M/s. Pe. Pe. Farm
represented by its Partner,
Dr. P. Tamilarasan,
Administrative Office:
P. A.Tower,
No.15, SIDCO Estate,
Paramathy Road,
Namakkal - 637 001

...Petitioner

..Vs..

- 1.The Deputy Chief Internal Audit Officer,
Board Office Audit Branch/ TANGEDCO,
Erode -638 009.
- 2.The Executive Engineer,
O & M/TANGEDCO,
Paramathy Vellore-638 128,
Namakkal District.
- 3.The Junior Electrical Engineer,
O & M/TANGEDCO,
Kabilarmalai,
Namakkal District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari calling for the records comprised in made in Lr.No.644 PT 156 AB/DCI AO/ERD/F 31/F 319 II dated 4.5.2012 on the file of the first respondent and the consequential notice in JEE/O&M/K.Malai/Audit/A.No.428, dated 23.02.2013 on the file of the third respondent for recovery of a sum of Rs.2,25,174/- based upon the audit slip No.25 issued by the office of the first respondent, quash the same.

For Petitioner : Mr.R.Karthikeyan

For Respondents: Mr. S.K. Raameshuwar

O R D E R

An order of recovery issued by the respondents in respect of differences in payment of electricity charges is under challenge in this present writ petition.

2. The grievance of the writ petitioner is that on account of the defective meter installed in the premises of the writ petitioner, difference in consumption charges aroused and the writ petitioner is not responsible for the installation of such defective meter. In spite of the information provided to the Electricity Board, the respondents have not taken any action to rectify the defective meter and subsequently issued the impugned order imposing recovery of huge difference, which made the writ petitioner to approach this Court.

3. The learned counsel appearing for the petitioner states that the petitioner has already deposited 30% of the demanded amount and if any balance is to be paid for the purpose of entertaining the application before the Commission, the difference amount shall be deposited before the Redressal Forum for the purpose of entertaining the appeal to be filed by the writ petitioner.

4. The learned counsel appearing on behalf of the petitioner further made a submission that the authorities of the respondent Board has to inspect the meters periodically and even at the time of taking reading of the meters, they had not noticed such a defective meter. The writ petitioner cannot held responsible for non payment of actual consumption charges.

5. May that it be, this Court is of an opinion that against the order passed by the respondents, the Electricity Supply Code provides an appeal remedy before the Consumer Grievances Redressal Forum, under Rule 18 of the Tamil Nadu Electricity Supply Code, which states that an aggrieved person can approach the Forum by setting out all the facts and details and the Forum has to adjudicate the matter and pass orders on merits and in accordance with law. When the provision is available under the Tamil Nadu Supply Code to redress the grievances, the aggrieved person has to approach the Forum at the first instance.

6. In this view of the matter, the petitioner is at liberty to approach the Consumer Grievances Redressal Forum, within a period of four weeks from the date of receipt of copy of this order. The redressal forum on receipt of any such complaint from the writ petitioner, is directed to consider the same on merits and in accordance with law and pass orders preferably within a period of twelve weeks thereafter.

7. The writ petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Deputy Chief Internal Audit Officer,
Board Office Audit Branch/ TANGEDCO,
Erode -638 009.

2.The Executive Engineer,
O & M/TANGEDCO,
Paramathy Vellore-638 128,
Namakkal District.

3.The Junior Electrical Engineer,
O & M/TANGEDCO,
Kabilarmalai,
Namakkal District.

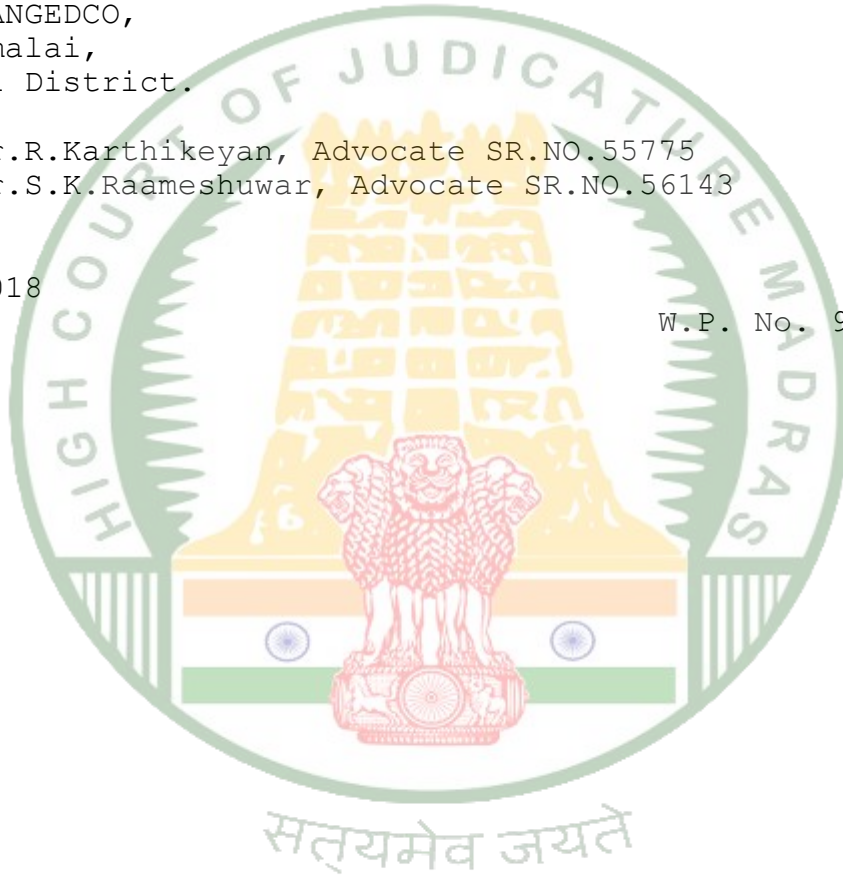
+lcc to Mr.R.Karthikeyan, Advocate SR.NO.55775

+lcc to Mr.S.K.Raameshuwar, Advocate SR.NO.56143

SSI (CO)

sm:12.9.2018

W.P. No. 9018 of 2013



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