

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30-08-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.21966 of 2013

M/s.T.V.Sundaram Iyengar and Sons Limited,
Represented by Authorised Signatory,
7B, West Veli Street,
Madurai-625 001.

.. Petitioner

Vs.

1.The Superintending Engineer-South,
TANGEDCO, TNEB,
Tatabad,
Coimbatore.

2.The Executive Engineer (Distribution),
Somanur.

3.The Assistant Engineer,
TNEB, Nilambur.

4.The Assistant Executive Engineer,
Coimbatore/South Distribution,
TANGEDCO,
Arasur.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the fourth respondent dated 10.7.2012, wherein the petitioner was levied and paid, a penalty of a total sum of Rs.6,51,700/- being extra levy charges of Rs.5,31,700/- and compounding charges of Rs.1,20,000/- for the back period from 10.7.2011 to 10.7.2012 and quash the same as arbitrary and illegal and consequently direct immediate refund of the said sums to the petitioner, as the petitioner cannot be held liable for the delay in change in classification.

For Petitioner : Mr.Rahul Balaji

For Respondents : Mr.S.K.Raameshuwar

O R D E R

The learned counsel for the writ petitioner states that on account of the errors committed by the officials of the Electricity Board, the writ petitioner is made to suffer in respect of the payment of consumption charges.

2. Admittedly, the writ petitioner is having both industrial activities as well as the commercial services. On account of certain confusions, the authorities have erroneously fixed the tariff, resulted in levy of excess charges and the writ petitioner paid the same with protest.

3. The learned counsel for the writ petitioner states that the Consumer Redressal Forum adjudicated the matter on merits. However, on the ground of jurisdiction, no final decision has been taken in respect of the grievances set out by the writ petitioner.

4. This Court is of an opinion that certain complex facts and circumstances have arisen in the present writ petition and those disputed facts and circumstances, cannot be adjudicated in a writ jurisdiction under Article 226 of the Constitution of India. Such facts and circumstances are to be adjudicated by the competent authorities, by verifying the original documents and by adducing evidences, if required.

5. In this view of the matter, it is preferable to remand the matter to the Chief Engineer concerned, who in turn shall conduct a detailed enquiry, based on the documents submitted by the writ petitioner as well as the documents available with the Department and thereafter take a decision in accordance with law.

6. This being the view of this Court, the writ petitioner is directed to submit an application, setting out the grievances and the grounds along with the documents and on receipt of such appeal/application from the writ petitioner, the Chief Engineer, Distribution Circle, Coimbatore, is directed to adjudicate the matter on merits and in accordance with law, by affording reasonable opportunity to all parties concerned and thereafter, pass orders, within a period of twelve weeks from the date of receipt of a copy of this order.

7. The Registry is directed to communicate a copy of the order to the Chief Engineer, Distribution Circle, Coimbatore.

8. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Svn

To

- 1.The Superintending Engineer-South,
TANGEDCO, TNEB,
Tatabad,
Coimbatore.
- 2.The Executive Engineer (Distribution),
Somanur.
- 3.The Assistant Engineer,
TNEB, Nilambur.
- 4.The Assistant Executive Engineer,
Coimbatore/South Distribution,
TANGEDCO,
Arasur.
- 5.The Chief Engineer,
Distribution Circle (TNEB),
Coimbatore.

+lcc to Mr.R.Parthasarathy, Advocate sr.no.60088

nr 11/09/2018

WP 21966 of 2013