

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.07.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16602 of 2013

and

M.P.No.2 of 2013

K.T.Ramamoorthy

... Petitioner

vs

1.The Executive Engineer,  
Tamil Nadu Electricity Board,  
(Production and Distribution),  
Bhavani Division,  
Erode District.

2.The Assistant Engineer,  
Tamil Nadu Electricity Board,  
(Production and Distribution),  
Sithar,  
Gobichettypalayam,  
Erode District.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records pertaining to the proceedings in Ka.No.U.Mi.Po/E & Pe/Sithar/K.Tha.Mi.E; 3/No.373/13 dated 26.04.2013 on the file of the 2<sup>nd</sup> respondent and quash the same as illegal, incompetent and ultravires.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.S.K.Rameshwar

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O R D E R

The relief sought for in this writ petition is to call for the records pertaining to the order passed by the second respondent in his proceedings dated 26.04.2013 and quash the same.

2.The learned counsel appearing on behalf of the writ petitioner made a submission that the petitioner is performing contract works for the Government of Tamil Nadu and also

performing private contracts. He undertook construction of small bridges and for that purpose, he obtained a temporary service connection from the second respondent on 19.03.2012 in electricity connection No.328-000-3. There was an error in the application form as if the petitioner was using 1136 Watts. Thus, the officials of the Electricity Board recorded wrong entries and consequently, the impugned order has been passed, holding that the writ petitioner has used excess electricity and liable to pay the damages. Challenging the order passed by the 2<sup>nd</sup> respondent in his proceedings dated 26.04.2013, the present writ petition has been filed.

3.This Court is of an opinion that the usage of electricity in a particular manner as per the Board or Regulation is the disputed facts and circumstances aroused in the present writ petition. Such disputed facts cannot be adjudicated in a writ proceedings and the same is to be adjudicated by the Consumer Grievance Redressal forum, which is constituted for the purpose of resolving the disputes between the consumers and the boards. In this regard, the Consumer Grievances Redressal forum is the authority to adjudicate the issues in relation to the facts and circumstances based on the evidences and the documents available. In view of the fact that such an exercise is to be undertaken by the Consumer Grievances Redressal forum constituted for this purpose, this Court cannot consider the merits and the demerits of the allegations set out in the present writ petition, more specifically, in the writ proceedings.

4.In this view of the matter, the writ petitioner is at liberty to approach the concerned Consumer Grievances Redressal forum for the purpose of redressing his grievances on merits and in accordance with law.

5.With these observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.The Executive Engineer,  
Tamil Nadu Electricity Board,  
(Production and Distribution),  
Bhavani Division,  
Erode District.

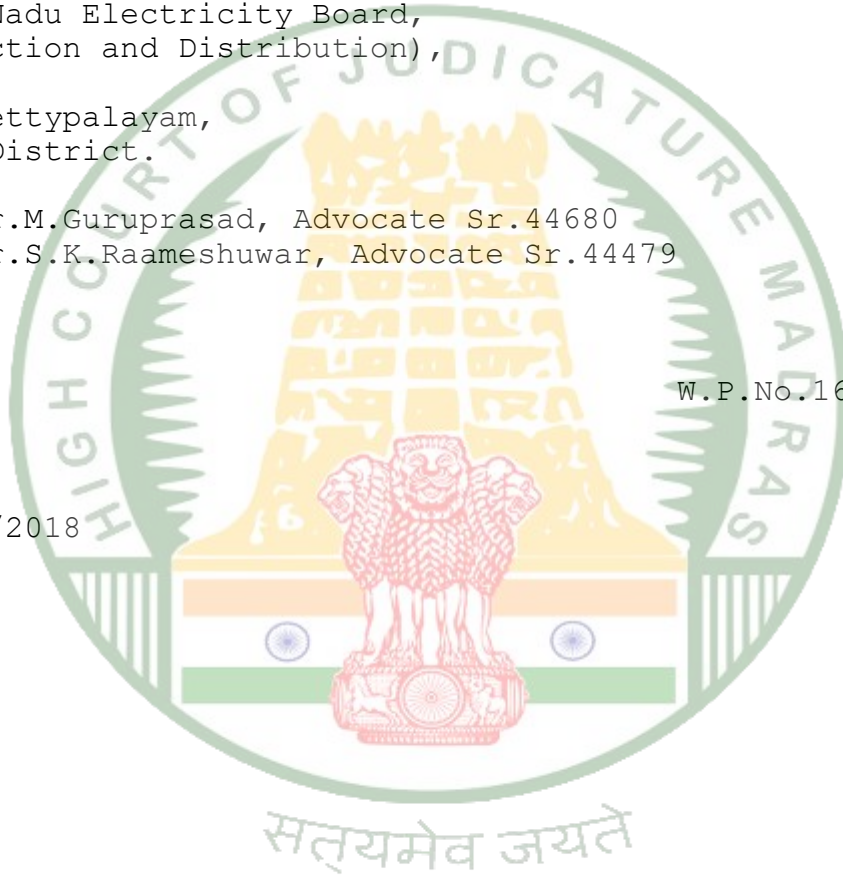
2.The Assistant Engineer,  
Tamil Nadu Electricity Board,  
(Production and Distribution),  
Sithar,  
Gobichettipalayam,  
Erode District.

+lcc to Mr.M.Guruprasad, Advocate Sr.44680

+lcc to Mr.S.K.Raameshuwar, Advocate Sr.44479

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srg 18/07/2018



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