

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2018

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.24147 of 2017

and

W.M.P.Nos.25488 and 25489 of 2017

Abdul Salam  
represented by power agent  
Thiru T.c.Sundaravadivel  
Old No.17, New No.47,  
Kothari Road,  
Nungambakkam,  
Chennai - 600 034.

...Petitioner

Vs.

1. The Chairman,  
Tamil Nadu Electricity board,  
St.George Fort,  
Chennai.
2. The Executive Engineer,  
Operation and Maintenance (T.Nagar),  
Tamil Nadu Electricity board,  
CEDC/ Central,  
Valluvarkottam, S.S.Complex,  
MGR Salai,  
Chennai - 34.
3. The Assistant Executive Engineer,  
Tamil Nadu Electricity Board,  
Operation & Maintenance,  
T.Nagar,  
Chennai - 34.
4. The Assistant Engineer,  
Tamil Nadu Electricity Board,  
Operation & Maintenance,  
T.Nagar (East),  
Chennai.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the 2<sup>nd</sup> respondent in the impugned notice

Lr.No.EE/T.N/AAO/MBM/ Rev.Br/ as.1/F.../D.../17 dt 06.2017 dated 29.06.2017 and quash the same as illegal, arbitrary so far as it relates to petitioner's service connection A/c.No.235/039-80.

For Petitioner : Mr.T.N.Rajagoaplan  
for Mr.Cibi Vishnu

For Respondents : Mr.P.R.Dilip Kumar,  
Standing Counsel

#### O R D E R

The petitioner is aggrieved against the demand notice dated 29.06.2017 issued by the 2<sup>nd</sup> respondent calling upon the petitioner to pay the revised short fall amount of Rs.8,45,618/- as per the Board of Audit Objection.

2. Heard both sides.

3. It is seen that the petitioner filed an objection before the Consumer Grievance Redressal Forum, Chennai Electricity Distribution Circle, Chennai, challenging the revised demand passed in the Board of Audit Objection in respect of his service connection No.235-039-80. It is further seen that the said Consumer Grievance Redressal Forum, by its order dated 03.11.2015, directed the Electricity Board to collect a sum of Rs.62,328/- only, thereby cancelling all the amount arrived for the period from 11/12 to 1/13. Consequent upon the said order, the present impugned demand is made.

4. It is contended by the learned counsel for the petitioner that if the respondents are aggrieved against the findings rendered by the Consumer Grievance Redressal Forum, they should challenge the same before the Ombudsman by way of filing an appeal as clearly stated in the said order of the Commission dated 03.11.2015. Thus, it is stated that without filing such an appeal, the respondents are not justified in making the impugned demand.

5. Learned counsel appearing for the respondents fairly submitted that as against the order passed by the Consumer Grievance Redressal Forum, the appeal would lie before the concerned Appellate Authority and however, no such appeal is filed till this date. Therefore, he contended that liberty may be given to the Board to file such Appeal.

6. Perusal of the impugned demand also clearly indicates that the findings rendered by the Consumer Grievance Redressal Forum are not acceptable to the respondents. However, it is not stated that such findings are challenged by way of an appeal.

Therefore, in the absence of any appeal, the impugned demand has to be construed as the one passed against the findings rendered by the Consumer Grievance Redressal Forum in Petition No.38/2015 dated 03.11.2015. Therefore, this Writ Petition is allowed and the impugned demand is set aside. However, it is open to the respondents to work out their remedy as against the order passed by the Consumer Grievance Redressal Forum in the manner known to law before the appropriate Appellate Authority. Since the Writ Petition is allowed and the impugned demand is set aside, any amount paid by the petitioner by way of compliance of the conditional order of stay granted by this Court on 08.09.2017 pending disposal of the writ petition, shall be refunded to the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi  
To

1. The Chairman,  
Tamil Nadu Electricity board,  
St.George Fort, Chennai.
  2. The Executive Engineer,  
Operation and Maintenance (T.Nagar),  
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MGR Salai, Chennai - 34.
  3. The Assistant Executive Engineer,  
Tamil Nadu Electricity Board,  
Operation & Maintenance, T.Nagar, Chennai - 34.
  4. The Assistant Engineer,  
Tamil Nadu Electricity Board,  
Operation & Maintenance,  
T.Nagar (East), Chennai.
- +1 cc to Mr.P.R.Dhilip Kumar, Sr.No.86370  
+3 Ccs to Mr. Cibi Vishnu, Advocate sr 86497

W.P.No.24147 of 2017

VGI (CO)  
CSL/21.12.2018