



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD) No.7915 of 2014

and

M.P.(MD) Nos.1, 2 & 3 of 2014

A.Ramesh

... Petitioner

vs.

1.The Chair Person /
Superintending Engineer
Consumer Grievance Redressal Forum
Madurai E.D.C./Metro
T.N.E.B., Madurai

2.The Assistant Engineer
Distribution
T.N.E.B.Generation and
Distribution Corporation
Alwarnagar, Madurai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records connected with க.எண்.உ.பி.வா/ப/ஆழ்வார்/வ.உ.கோ.வா/அ.எண். dated 20.01.0214, on the file of the respondent No.2 and quash the same as illegal consequently to direct the respondents to provide electricity supply to the petitioner's house in S.C.No.175-001-946 Madurai within a stipulated time.

For Petitioner : Mr.R.Alagumani

For Respondents : Mrs.M.Rajeswari

for Mr.S.M.S.Johnny Basha
Standing Counsel

ORDER

The petitioner has challenged the order, dated 20.01.2014, passed by the second respondent on the ground that the assessment of electricity consumption was excessive and was not commensurate to the actual consumption.

2. Today (i.e.27.08.2018), when the matter was taken up for hearing, the learned standing counsel for the respondent - Electricity Board would submit that the petitioner is having an effective alternative remedy under Section 11(7) of the Tamil Nadu Electricity Supply Code, 2004 (hereinafter, referred to as "the Code"), which reads as follows:



(7) In case the consumer does not agree with the assessment made by the engineer or the higher level officer, as the case may be the matter may be referred to the next higher level officer of the licensee. In case the consumer is still not satisfied, the consumer is at liberty to approach the respective Consumer Grievance Redressal Forum of the licensee."

3. As per the above said provision, in case the petitioner is aggrieved by the assessment of electricity consumption, it is always open to him to approach the next higher level officer and in case he is still not satisfied, he can approach the Consumer Grievance Redressal Forum of the licensee. However, the petitioner has approached this Court directly without exhausting the remedies as provided under Code.

4. Considering the submissions by the learned counsel for the respondent - Electricity Board, this Court is of the view that the petitioner ought to exhaust the remedies as provided under the Code and without exhausting such remedies, it is certainly not open to him to approach this Court and invoke its extraordinary jurisdiction under Article 226 of the Constitution of India.

5. In fact, as could be seen from the above Section, alternative remedies are provided at two levels, one is before the next higher level officer and the other one is the Consumer Grievance Redressal Forum of the respondent - Electricity Board. That being the position, it is not open to the petitioner to bypass such alternative remedies and invoke the extraordinary jurisdiction of this Court directly.

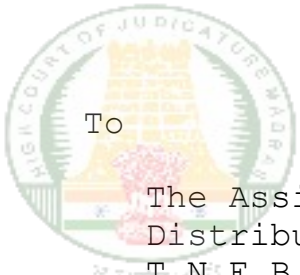
6. In the above circumstances, the writ petition is not maintainable and the same is dismissed. However, it is open to the petitioner to approach the appropriate Authority challenging the impugned order passed by the second respondent and make an application within a period of one week from the date of receipt of a copy of this order. On receipt of such application being made, the Authority concerned shall pass appropriate orders on merits and in accordance with law, after affording due opportunity to the petitioner, within a period of two weeks thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-III)



To

The Assistant Engineer
Distribution
T.N.E.B.Generation and
Distribution Corporation
Alwarnagar, Madurai

W.P.(MD) No.7915 of 2014
and
M.P.(MD) Nos.1, 2 & 3 of 2014
27.08.2018

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ES/RP/SAR 3/19.09.2018/3P/2C