

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.13318 & 13319 of 2005

and

W.P.M.P.Nos.14584 & 14586 of 2005

Ramco Industries Limited
Rep.by its General Manager (Finance & Accounts)
J.Ramasubramanian
Having Corporate Office at
Auras Corporate Centre
VI Floor, 98-A, Dr.Radha Krishnan Salai
Mylapore, Chennai 600 004 ...Petitioner in both W.Ps.

Vs.

1.Tamil Nadu Electricity Board
Rep. by its Chairman
Anna Salai, Chennai 600 002

2.The Superintending Engineer
Tamil Nadu Electricity Board
Vellore Electricity Distribution Circle
Gandhi Nagar
Vellore-5

3.Executive Engineer/ O & M
Tamil Nadu Electricity Board
Arakkonam

... Respondents in both W.Ps.

Common Prayer: These writ petitions filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records of the second respondent comprised in its order dated 21.03.2005 passed by the second respondent in Letter No.277 and 278/SEV/GL/AE2/F.HT1177/04-05 and quash the same and consequently direct the respondents to forthwith refund the sum of Rs.1,50,000/- and Rs.4,83,933/- remitted by the petitioner pursuant to the orders of this Court dated 30.09.2003 in W.P.No.17118 of 2000 and W.P.No.7015 of 2003 in respect of the present proceedings with interest at the rate of 12% per annum from the date of payment till the date of refund.

For Petitioner : Mr.Rahul Balaji
For Respondents : Mr.M.Varunkumar (TNEB)

COMMON ORDER

These petitions have been filed by the petitioner to issue a writ of Certiorarified Mandamus, to call for the records of the second respondent comprised in its order dated 21.03.2005 passed by the second respondent in Letter No.277 and 278/SEV/GL/AE2/F.HT1177 /04-05 and quash the same and consequently direct the respondents to forthwith refund the sum of Rs.1,50,000/- and Rs.4,83,933/- remitted by the petitioner pursuant to the orders of this Court dated 30.09.2003 in W.P.No.17118 of 2000 and W.P.No.7015 of 2003 in respect of the present proceedings with interest at the rate of 12% per annum from the date of payment till the date of refund.

2.The learned counsel appearing for the petitioner would submit that the Original Authority, the Superintending Engineer issued an Assessment order for violation of the terms and conditions of supply of Electricity as per clause 6.02 under Schedule - Part 1. No opportunity was provided to the petitioner while the impugned order was passed by the 2nd respondent and the same is a clear violation of principle of natural justice. Accordingly, prays for allowing this writ petition.

3.The learned counsel appearing for the Electricity Board would submit that the present authority is not having any power to decide the issue as per the tariff order. The competent authority now is the Consumer Grievance Redressal Forum. Hence, this court may permit the petitioner to raise all the issues before the competent authority.

4.In view of the above submissions made by the counsel appearing for the Electricity Board and also considering the facts of the case, this court is inclined to permit the petitioner to file a complaint against the impugned order before the Consumer Grievance Redressal Forum within a period of four weeks. The Consumer Grievance Redressal Forum is hereby directed to pass appropriate orders as per the Regulation 18 of the Supply Code in accordance with law preferably within a period of 12 weeks from the date of receipt of a complaint.

5.With the above direction, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

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To

1.The Chairman
Tamil Nadu Electricity Board
Anna Salai, Chennai 600 002

2.The Superintending Engineer
Tamil Nadu Electricity Board
Vellore Electricity Distribution Circle
Gandhi Nagar
Vellore-5

3.Executive Engineer/ O & M
Tamil Nadu Electricity Board
Arakkonam

+1 CC to Mr.R. Parthasarathy, Advocate sr 52251.
+1 CC to Mr.M.Varunkumar, Advocate sr 53284.

सत्यमेव जयते

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PA(CO)
SP(29/07/2019)

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