

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 31.01.2019
CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.41211 of 2005
and
W.P.M.P.No.44256 of 2005

TVL.SUPREME PLASTICS
Rep.by its Partner
342, Sidco Industries Estate
Ambattur, Chennai - 600 098.

..Petitioner

Vs

1.Superintending Engineer
CEDC/West, Tamil Nadu Electricity Board
33/11 KV Thirumangalam SS Complex
Thirumangalam, Anna Nagar, Chennai - 600040

2.Accounts Officer, CEDC/West
Tamil Nadu Electricity Board
33/11 KV Thirumangalam SS Complex
Thirumangalam, Anna Nagar, Chennai - 600 040

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Certiorari, calling for the records in Letter No.SE/CEDC/West/AO/AS/A /HT S/C No.1642/D.1827/2005 dated 16.09.2005 on the file of the 1st respondent and quash the same as illegal and contrary to law and direct the 1st respondent not to recover Transformer Loss Levy.

For Petitioner : M/s.A.Vinupradha
for M/s.S.Ramesh Kumar

For Respondents: Mr.P.R.Dhilipkumar, Standing counsel
for Tamil Nadu Electricity Board

ORDER

The order dated 16.09.2005, directing the writ petitioner to pay the shortfall in electricity charges to the tune of Rs.6,77,501.06 is under challenge in the present writ petition.

2.The grievances of the writ petitioner is that the impugned order is non-speaking and the details regarding the shortfall has not been stated in the impugned order. In the absence of

details in respect of the Audit shortfall, the petitioner was not in a position to submit their explanations and clearing the bills as per the demand. The petitioner is of an opinion that the Audit shortfall is erroneous and not in consonance with the consumption of the electricity by the writ petitioner. At the outset, the petitioner is raising a doubt in respect of Audit shortfall since the details are not provided in the impugned order.

3. Undoubtedly, the impugned order is silent about the details of the Audit shortfall. However, the writ petitioner made an application, requesting the competent authorities to furnish the details, enabling the writ petitioner to understand the nature of the Audit shortfall and the other connected informations. Contrarily, the writ petition cannot be entertained for the purpose of verifying the correctness of the details or otherwise. Such complex facts and circumstances are to be adjudicated either by the competent authority or before the competent forum by producing the original documents and by adducing evidences, if required.

4. Clause 18 of the Tamil Nadu Electricity Supply Code provides a remedy by way of an appeal before the Consumer Grievances Redressal Forum. The Forum is created for the purpose of adjudicating all such disputed facts and circumstances and redress the remedy of the consumers. Thus, the writ petitioner is at liberty to approach the Consumer Grievances Redressal Forum constituted under Clause 18 of the Tamil Nadu Electricity Supply Code for the purpose of redressing his remedy. Under these circumstances, the following orders are passed:-

(i) The relief sought for in the present writ petition stands rejected.

(ii) The writ petitioner is directed to pay the shortfall electricity consumption charges of Rs.6,77,501.06/- within a period of four weeks from the date of receipt of a copy of this order, without prejudice to the appeal to be filed before the Consumer Forum. In the event of filing an appeal by the writ petitioner before the Consumer Grievances Redressal Forum, the Forum shall adjudicate the same on merits and by affording an opportunity to the writ petitioner and to the other parties and decide the issues in accordance with law without causing any undue delay.

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

Sd/-
Assistant Registrar(CS VI)

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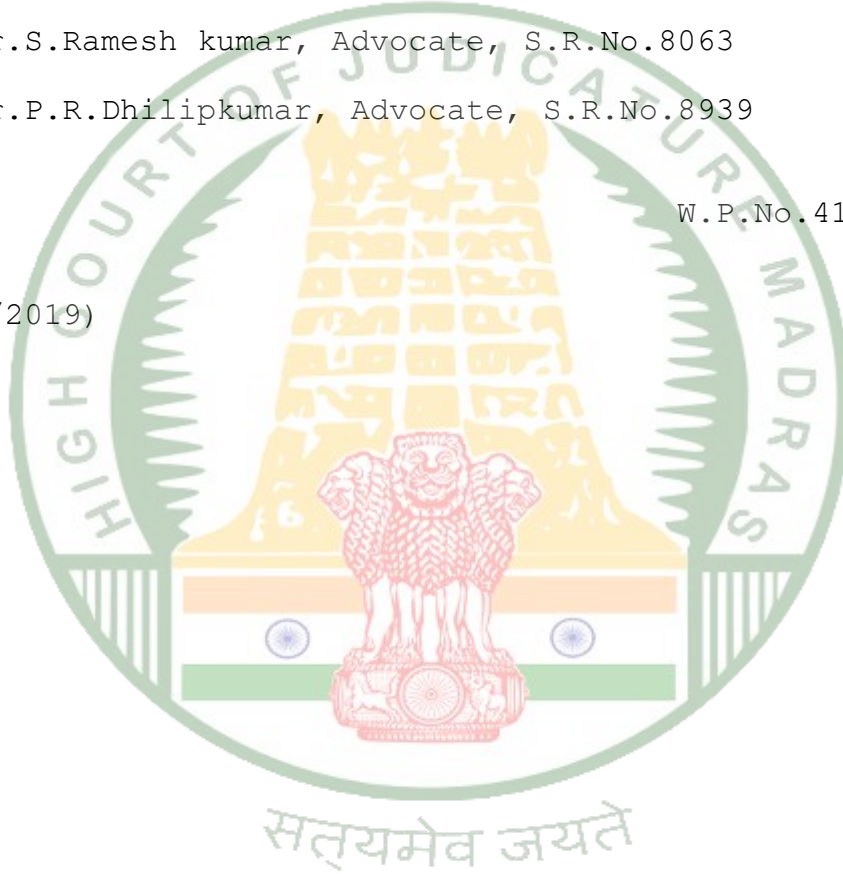
Sub Assistant Registrar

+1cc to Mr.S.Ramesh kumar, Advocate, S.R.No.8063

+1cc to Mr.P.R.Dhilipkumar, Advocate, S.R.No.8939

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SSD (CO)
GSP (20/02/2019)



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