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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.18517 of 2013 and 29938 of 2012  
and  
M.P.No.1 of 2012

Gurunathan ...Petitioner in W.P.No.18517 of 2013  
P.Devendran ...Petitioner in W.P.No.29938 of 2012

Vs

1. The Executive Engineer,  
O&M Perambur,  
Tamil Nadu Electricity Board,  
No.75, Paper Mills Road,  
Chennai - 600 011.

2. The Assistant Engineer,  
O&M Perambur West,  
Tamil Nadu Electricity Board,  
Peravallur Sub-Station,  
Chennai - 600 011.

... Respondents in both WPs

PRAYER in W.P.No.18517 of 2013 : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to refund to the petitioner, the audit short fall amount of Rs.3,72,274/- (Rupees Three Lakhs Seventy Two Thousand Two Hundred and Seventy Four only) vide receipt No.7617460, dated 24.12.2012, unlawfully collected by the respondents from the Petitioner or to adjust the above said amount in the future monthly consumption bill amount by the petitioner and to pass orders within the stipulated period.

PRAYER in W.P.No.29938 of 2012 : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records from the respondent with regard to letter No.AE/O&M/PBR/West/ D.348/12, dated 05.10.2012 and quash the same.



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For Petitioner :Mr.J.Milton Arul Rajendran  
[In both Wps]

For Respondents :Mr,L.Jaivenkatesh  
[In both WPs] Senior Counsel for TANGEDCO

#### COMMON ORDER

The relief sought for in respect of W.P.No.18517 of 2013 is to direct the respondents to refund to the petitioner, the audit short fall amount of Rs.3,72,274/- (Rupees Three Lakhs Seventy Two Thousand Two Hundred and Seventy Four only) vide receipt No.7617460, dated 24.12.2012, unlawfully collected by the respondents and adjust the above said amount in the future monthly consumption bill amount by the petitioner. In respect of W.P.No.29938 of 2012 is to call for records from the respondent with regard to letter No.AE/O&M/PBR/West/ D.348/12, dated 05.10.2012 and quash the same.

2. As far as the Audit objection are concerned, it is an internal inspection and shortfall if any communicated. The petitioners are aggrieved from and out of such communication of shortfall, then, the petitioners are bound to approach the Consumer Grievance Redressal Forum constituted under Clause 18 of the Tamil Nadu Electricity Supply Board. In respect of the audit shortfall, an elaborate adjudication of facts, issues are required with reference to the documents and evidences to be produced by the parties. Such an adjudication cannot be made in a writ proceedings under Article 226 of the Constitution of India.

3. It is made clear that the authorities, who considered and passed the order of demand or otherwise cannot be a member in the Consumer Grievance Redressal Forum for adjudication of the issues raised by the petitioners.

4. Thus, the Electricity Board must ensure that the officials, who passed the order of demand, which is questioned, cannot take part in the Consumer Grievances Redressal Forum as their participation would cause prejudice to the interest of the aggrieved persons.

5. Thus, the petitioners are at liberty to approach the Consumer Grievance Redressal Forum for adjudication of issues and to redress the grievance in the manner prescribed.



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6. With this liberty, both the writ petitions stand disposed of. No Cost. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

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To

1. The Branch Manager,  
State Bank of India,  
Sivanmalai,  
Thiruppur District.

W.P.Nos.18517 of 2013 and 29938 of 2012  
and  
M.P.No.1 of 2012

KG(CO)  
CB(02/12/2021)