



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25078 of 2010

And

M.P.No. 1 of 2010

NEYVELI Co-operative Housing Ltd.,
E.2731,
Indira Nagar, Neyveli-1
Cuddalore District
Represented by its Secretary
Mr.M.Selvam

...Petitioner

Vs

1. The Assistant Accounts Officer
Revenue Branch
Tamil Nadu Electricity Board
Kurinjipadi
Cuddalore District.
2. The Superintendent Engineer (Distribution)
TNEB, Cuddalore.
3. The Executive Engineer (O&M)
TNEB, Kurinjipadi
Cuddalore District.
4. The Assistant Executive Engineer
(O&M), TNEB
Vadalur, Cuddalore District.
5. The Junior Engineer
TNEB, State Farm Corporation
Vadakkuthu - 607 303
6. The Commissioner
Panchayat Union, Kurinjipadi
Cuddalore District.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent



relating to attachment notice dated 25.10.2010 in Form No.5 issued to the petitioner along with letter in U.Ka.Aa/Va.Pi/Ka.Padi/Ka.Me/V/Ko RD&RR Act/1254/2010 to quash the same and to issue consequential directions to the first and fifth respondents to restore to the petitioner possession of the property attached by them pursuant to the impugned notice.

For Petitioner : M/s. N.Alamelu Mangai
For RR 1 to 5 : Mr. L.Jaivenkatesh
Standing Counsel for
TNEB/TANGEDCO
For 6th Respondent: Mr. I.Arockiasamy

O R D E R

The order dated 25.10.2010 passed by the first respondent initiating action for recovery of electricity consumption charges from the petitioner is under challenge in the present Writ Petition.

2. The petitioner is a co-operative Society established in the year 1971. The said society during the relevant point of time administered by the individual officer/appellant who was discharging the duties and functions of the Board of Directors. The petitioner's society was provided with electricity power supply and they have committed to have in payment of electricity consumption charges relating to S.C.No. 1 and 118 and the charges relating to S.C.No. 133, 134 & 135 for a period from July 2000 to 2002. However, the petitioner's society is defaulted for a continuous period thereafter and the respondent/Electricity Board initiated action for recovery of the electricity consumption charges.

3. The learned counsel for the petitioner made a submission that they have handed over the property to the 6th respondent and therefore, they are liable to pay the consumption charges.

4. This Court is of the considered opinion that during the relevant point of time, the petitioner was in possession of the property and was consuming electricity supply by the Electricity Board.

5. The learned counsel for the petitioner disputed by stating that even before the default period, the property was handed over to the 6th respondent and therefore, they are not liable.



6. This Court is of the considered opinion that the liability cannot be adjudicated in a writ proceedings and if at all, the petitioner is aggrieved with reference to the manner in which the calculation is made or otherwise, approach the Consumer Grievances Redressal Forum constituted under Regulation 18 of the Tamil Nadu Electricity Supply Board.

7. The learned Standing Counsel appearing on behalf of the Electricity Board made a submission that a condition interim order was passed directing the petitioner to deposit 50% of the demanded amount. However, the petitioner had not deposited the said amount as per the interim order and thereafter, the Electricity Board taken possession of the subject property and they are not possession as of now. To that effect, an order was passed on 06.12.2010 and the said order is also not under challenge.

8. Under these circumstances, this Court is of the considered opinion that the petitioner is bound to supply the Electricity Consumption Charges and if at all the petitioner is of an opinion that the 6th respondent is to settle the charges, then such disputes are to be resolved before the competent forum and by pointing out that the 6th respondent, the petitioner cannot be alleged but escape from the liability unless such a disputes are resolved through the competent forum.

9. As far as the impugned order is concerned, the first respondent has initiated action for recovery of the Electricity Consumption Charges and the property belongs to the petitioner is also attached and with the possession of the Electricity Board, this being the fact of the respondents/Electricity Board, Electricity Board is liberty to proceed with further action to release the consumption charges while following the procedure as contemplated.

10. With the above said directions, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



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+1 CC to Mr.L. Jai Venkatesh, advocate sr 64463.

+2 Ccs to Mr.N.Alamelu Mangai, Advocate sr 63365.

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PMK(CO)
SP(27/12/2021)