



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.16002 OF 2019

AND

W.M.P.NO.15770 OF 2019

Hafsa

... Petitioner

Vs.

1. The Chairman
Tamil Nadu Electricity Board,
KRR Malagai, Anna Salai,
Chennai - 600 002.
2. The Director General of Police (Vigilance),
Tamil Nadu Electricity Board,
100, Mount Road,
Chennai - 600 002.
3. The Assistant Executive Engineer,
Chennai Electricity Distribution Circle,
Kodambakkam,
Chennai - 600 024.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the Third respondent herein in impugned communication No.USOW/E.pa/ Kodambakkam/ KO.KOL/A.No.108/19 dated 28.03.2019 to quash the same and to issue mandamus directing the second respondent herein to investigate the petitioner's complaint dated 24.04.2019.

For Petitioner : Mr.M.Balasubramanian

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel
for Electricity Board



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the Third respondent in impugned communication No.USOW/E.pa/Kodambakkam/ KO.KOL/A.No.108/19 dated 28.03.2019 to quash the same and to issue direction to the second respondent to investigate the petitioner's complaint dated 24.04.2019.

2.The case of the petitioner is that the petitioner is eking out her lively hood by letting out her premises and the tenant was paying electricity charges as per white meter card reading. Whileso during October, 2014 to August, 2018, the premises was let out to one Gulam Basha who died during the period of stay and it was found that the electricity board meter assessor in collusion with the tenant noted lesser units in the white meter card than the original consumption. Thereafter, the third respondent sent the impugned communication dated 28.03.2019 directing the petitioner to pay a sum of Rs.1,23,781/- + BPSE. Aggrieved by the same, the petitioner made representation to the third respondent to initiate action against the assessor since the tenant passed away and his family members vacated the premises and since there was no action, the petitioner made complaint dated 24.04.2019 to the second respondent and since there is no response, has filed this writ petition.

3.The learned counsel appearing for the petitioner would submit that as against the impugned communication dated 28.03.2019 of the third respondent directing the petitioner to pay a sum of Rs.1,23,781/- + BPSE, there is appeal remedy available to the petitioner under Regulation 18 of the Tamil Nadu Electricity Supply Code and hence, without going into the merits of the case, this Court may permit the petitioner to deposit a sum of Rs.50,000/- before the third respondent and liberty to prefer appeal and to produce the receipt of the deposit made before the Appellate Authority namely, Superintending Engineer (South) along with appeal and issue direction to the Appellate Authority to pass appropriate orders on the appeal to be filed by the petitioner.

4.The learned Standing Counsel appearing for the respondents submitted that there is appeal remedy available to the petitioner under Regulation 18 of the Tamil Nadu Electricity Supply Code before the Superintending Engineer (South) and instead of exhausting the remedy, the petitioner has approached this Court by filing this writ petition which is un-sustainable one.



5. In view of the above, this Court permits the petitioner to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) before the third respondent and grants liberty to the petitioner to prefer appeal before the Appellate Authority namely, Superintending Engineer (South) under Regulation 18 of the Tamil Nadu Electricity Supply Code and to produce the receipt of the deposit made along with appeal, within a period of two weeks from the date of receipt of a copy of this order. If any such appeal is filed by the petitioner, the concerned Appellate Authority shall consider the same in accordance with law and pass appropriate orders, within a period of four weeks from the date of filing of the appeal.

6. The writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

pri

To

1. The Chairman
Tamil Nadu Electricity Board,
KRR Malagai, Anna Salai,
Chennai - 600 002.
2. The Director General of Police (Vigilance),
Tamil Nadu Electricity Board,
100, Mount Road,
Chennai - 600 002.
3. The Assistant Executive Engineer,
Chennai Electricity Distribution Circle,
Kodambakkam,
Chennai - 600 024.

+1cc to Mr.M.Balasubramanian, Advocate, S.R.No.58854

+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.58829

W.P.No.16002 of 2019

And

W.M.P.No.15770 of 2019

GJ(CO)

RLP(23/12/2021)