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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-12-2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP NO.10496 OF 2014

AND

MP NO.1 OF 2014

R.Kasthuri

..Petitioner

vs.

The Assistant Engineer,
Operation and Maintenance,
Ellakkiyampatti,
TANGEDCO,
Ellakkiyampatti,
Dharmapuri District.

..Respondent

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records the Memo issued by the respondent in Memo No.Uoo.Po./E&Pa/E.Patti /BOAB/2013-2014, D.No.199 dated 11.02.2014 in so far as the Service Connection No.1301 is concerned and quash the same.

For Petitioner : Mr.M.Jayachandran

For Respondent : Mr.L.Jaivenkatesh,
Standing Counsel for TANGEDCO.

O R D E R

The demand notice issued by the respondent on an audit shortfall in proceedings dated 11.02.2014, is under challenge in the present writ petition.

2. The petitioner is running the Industries in the name and style of 'Sri Amman Battery Industries' at S/F.No.7/243, A.Jetty Halli, Thokkampatti (P.O.), Dharmapuri District for more than 23 years. The petitioner states that she is paying the electricity



consumption charges periodically. However, the respondent issued a letter stating that the petitioner should pay an arrears of electricity consumption charges to the tune of Rs.1,49,931/-.

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3. The abovesaid order reveals that during the inspection, it was found that the electricity meter was defective and accordingly the consumption charges were determined and the demand notice was issued. If at all the petitioner is having any evidence to establish her case, the petitioner has to approach the Consumer Grievance Redressal Forum for the purpose of redressal of her grievances. Contrarily, this Court cannot adjudicate such disputed facts in respect of determination of electricity consumption charges made by the Competent Authorities of the Electricity Board. The issue requires an adjudication with reference to the original documents and evidences.

4. This being the factum, the petitioner has to approach the Consumer Grievance Dredressal Forum constituted under Regulation 18 of the Tamil Nadu Electricity Supply Code, if she has otherwise chosen to do so.

5. In respect of the impugned order, this Court do not find any infirmity and thus the petitioner is at liberty to approach the Forum in the manner prescribed. In the event of filing any such application by the petitioner, questioning the order impugned the period during which the writ petition was pending before this Court is to be taken into consideration for the purpose of condoning the delay, if any condone delay petition is filed by the petitioner. The Forum shall adjudicate the issues on merits and in accordance with law as expeditiously as possible.

6. With abovesaid liberty, 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-III)

//True Copy//

Sub Assistant Registrar

Svn



To

The Assistant Engineer,
Operation and Maintenance,
Ellakkiyampatti,
TANGEDCO,
Ellakkiyampatti,
Dharmapuri District.

+1cc to Mr.M.Jayachandran, Advocate, S.R.No.64110

WP 10496 of 2014

NMI (CO)
RLP (15/12/2021)