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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.13392 OF 2014

AND

M.P.NO.1 OF 2014

K.L.Balanageswara Rao

... Petitioner

.Vs.

1. The Executive Engineer/O & M.,
Mylapore/CEDC/Central,
110 KV Valluvarkottam SS Complex,
Nungambakkam,
Chennai - 600 034.
2. The Assistant Engineer,
T.N. Electricity Board,
(O & M) Mandaveli,
Visalakshi Thottam,
Chennai - 600 004.
3. M/s.Giri Trading Agency Pvt. Ltd.,
Rep. by its Director,
Mr.T.S.Srinivasan,
Old No.58/2, New No.134,
T.S.V.Koil Street,
Mylapore, Chennai - 600 004.

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the 1st respondent dated 24.03.2014 (received on 01.04.2014) made in No.EE/O&M/MyIp./F/D/2117-A/2014 and quash the same and consequently directing the 1st respondent to conduct the enquiry afresh giving due opportunity to the petitioner observing all the norms and equity and natural justice and in terms of orders of this Honourable Court dated 25.11.2013 in W.P.No.31578 of 2013.



For Petitioner : Mr.R.Parasuraman
For M/s.R.Charubala

For R1 and R2 : Mr.L.Jai Venkatesh

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ORDER

The order impugned dated 24.03.2014 has been issued by the Executive Engineer raising demand based on the short fall amount.

2. The Writ Petitioner earlier filed a Writ Petition in W.P.No.31578 of 2013 to quash the order dated 07.02.2013. This Court passed an order directing the Board authorities to restore the electricity service connection on condition to pay 50% of the demand of Rs.1,04,635/-. Thereafter, the Executive Engineer conducted an enquiry and based on the enquiry, the impugned order has been passed in proceedings dated 24.03.2014. The order impugned states that the petitioner is directed to pay the balance amount of Rs.52,317/- as the petitioner had already paid the 50% of the amount pursuant to the order passed by this Court in W.P.No.31578 of 2013.

3. The Executive Engineer conducted a detailed enquiry by providing an opportunity and based on the audit remarks made, if at all the petitioner raised any ground in respect of the findings of the original authority, the petitioner has to approach the Consumer Grievance Redressal Forum constituted under Regulation 18 of the Tamil Nadu Electricity Supply Code. Such disputed facts require an elaborate adjudication and it is to be done with reference to the original documents and evidences.

4. No doubt, the Executive Engineer conducted an enquiry and thus, the petitioner has to exhaust the remedy contemplated under the Tamil Nadu Electricity Supply Code which is undoubtedly denied. Contrarily, the High Court cannot venture into an adjudication of these disputed facts, and in the event of adjudicating those disputed facts merely based on the affidavit filed by the parties, there is a likelihood of prejudice to be caused to either of the parties and therefore, the importance of adjudication of such disputes before the Appellate Authorities is of paramount importance.

5. In view of the facts and circumstances, the petitioner is at liberty to approach the Competent Forum for the purpose of adjudication of issues and to redress his grievances. In the event of filing any such appeal, the authority shall consider the period during which the Writ Petition was pending before



this Court for the purpose of condoning the delay and decide the issue on merits and in accordance with law, as expeditiously as possible.

6. With these directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

raja/shr

To

1. The Executive Engineer/O & M.,
Mylapore/ CEDC/ Central,
110 KV, Valluvarkottam SS Complex,
Nungambakkam,
Chennai - 600 034
2. The Assistant Engineer,
Tamil Nadu Electricity Board,
(O&M) Mandaveli,
Visalakshi Thottam,
Chennai - 600 004

+1cc to M/s.R.Charubala, Advocate, S.R.No.69723
+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.69691

W.P.NO.13392 OF 2014 AND
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AD(CO)
PBS/12/01/2022