



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO. 15815 OF 2014

AND

M.P.NO.1 OF 2014

M/s.Vetrivel Agencies,
Rep. By its Tmt.N.A.Sundari,
No.196, Tambaram Velachery Main Road,
Medavakkam,
Chennai - 600 100.

...Petitioner

Vs

1.The Assistant Engineer,
O & M, Pallikaranai,
TNEB / Medavakkam,
Chennai 600 100.

2.The Executive Engineer,
CEDC. (Distn) / TNEB,
TAMBARAM,
Chennai - 600 045.

3.The Chairman & Managing Director,
TANGEDCO / TNEB,
No.144, Anna Salai,
Chennai 600 002.

...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 second respondent vide Letter No.AAO/RAIS/BA/AC.NO.312.015.381/D-/98 dated 21.03.2014, quash the same as illegal and improper; consequently directing the respondents to refund the amount already collected.

For Petitioner : M/s.Santhanalakshmi
For M/s.Stephen and Stephen

For Respondents : Mr.L.Jai Venkatesh
Standing counsel for TANGEDCO



O R D E R

Even as per the petitioner, the petitioner has already preferred an appeal before the appellate authority on 20.05.2014. Therefore, the petitioner has to either pursue the appeal remedy or approach the Consumer Grievances Redressal Forum under Regulation 18 of the Tamil Nadu Electricity Supply Code.

2. The order under challenge in this writ petition is about Audit Shortfall intimation.

3. The issue requires an adjudication with reference to the documents and evidences and such an adjudication cannot be entertained by the High Court under Article 226 of the Constitution of India as it requires verification / scrutinization of original documents and evidences. The petitioner has already preferred an appeal before the Appellate authority. However, the petitioner is at liberty to approach the Consumer Grievances Redressal Forum in the prescribed format by setting out the grounds. Thereafter, the petitioner if not satisfied with the decision of the Forum, he may approach the Electricity Ombudsman and when the Statutory Bodies are functioning for the purpose of adjudication of the issues, the High Court need not entertain the writ petition for adjudication of the original issues, which may not be possible and in the event of such adjudication in the absence of documents in original, either by the parties may be prejudiced.

4. Thus, the petitioner is at liberty to approach the Consumer Grievances Redressal Forum for adjudication of issues in the manner known to law. In the event of filing any such application, 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 such application to condone the delay is filed by the petitioner.

5. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

nti/kak



To

1.The Assistant Engineer,
O & M, Pallikaranai,
TNEB / Medavakkam,
Chennai 600 100.

2.The Executive Engineer,
CEDC. (Distn) / TNEB,
TAMBARAM,
Chennai - 600 045.

3.The Chairman & Managing Director,
TANGEDCO / TNEB,
No.144, Anna Salai,
Chennai 600 002.

+1cc to Mr.L.Jaivenkatesh, Advocate SR.No.62101

+2ccs to Mr.Stephen and Stephen, Advocates SR.No.62533

W.P.No.15815 of 2014

VBM(CO)
RVM(09/12/2021)