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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19112 of 2014

and

M.P.No.1 of 2014

S.Viswanathan

... Petitioner

Vs.

1. The Assistant Engineer (Operation and Maintenance)
Tiruvarur Electricity Distribution Circle
Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO)
Thiruvarur.
2. The Executive Engineer (Operation and Maintenance)
Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO)
Thiruvarur.
3. The Superintendent Engineer
Tiruvarur Electricity Distribution Circle
Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO)
Thiruvarur.
4. Tamil Nadu Arasu Cable T.V. Corporation Ltd.
(T A C T V)
31, Eda Street, Madappuram,
Thiruvarur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the first respondent's proceedings dated 17.06.2014 made in Ka.No.U. Po/E.P/Nagar/Arur/KO.Kattu/Aa.No.71/2014, confirming the first respondent's earlier proceedings dated 06.09.2013 made in K.No.U.M./E.Para/ Arur/K.O.Kattu/ A/No., quash the same.



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For Petitioner : Mr.K.Rajasekaran
For Respondents : Mr.L.Jai Venkatesh
Standing Counsel for [TANGEDCO]

O R D E R

In the matter of audit objections issued in proceedings dated 06.09.2013 is under challenge in the present writ petition.

2. The impugned Demand Notice reveals that the petitioner has to pay a sum of Rs.2,75,232/- (Rupees two Lakh Seventy Five Thousand Two Hundred and Thirty Two) within a period of 15 days in respect of the electricity consumption.

3. This Court is of the considered opinion that the issues raised in the original records are to be adjudicated before the competent Forum, based on the original documents and evidences made available. Contrarily, the High Court cannot entertain such original adjudications in the writ proceedings, in the absence of the verification of the original records and in the event of entertaining such adjudication, there is a possibility of omission, commission and errors in the matter of recording the facts and circumstances. Thus, an effective adjudication and redressal of the grievances of the aggrieved persons must be done by the Forum, which all are constituted for the purpose of adjudication of these issues.

4. It is not in dispute that the Consumer Grievances Redressal Forum has been constituted under Regulation 18 of the Tamil Nadu Electricity Supply Code and further, Electricity Ombudsman is also functioning. The remedies as contemplated are to be exhausted for the effective adjudication of the issues and to redress the grievances of the aggrieved persons.

5. The petitioner brought to the notice of this Court that pursuant to the conditional interim order, the petitioner has already paid a sum of Rs.68,800/- (Rupees Sixty Eight Thousand and Eight Hundred only) and the said amount is to be adjusted. Under these circumstances, the petitioner is at liberty to approach the Consumer Grievances Redressal Forum for the purpose of redressal of his grievances. In the event of approaching the Forum, the issues are to be adjudicated on merits and in accordance with law and by affording opportunity to the writ petitioner.



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6. With these observations, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

Jeni/Nti

To

1. The Assistant Engineer, (Operation and Maintenance)
Tiruvarur Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd. (TANGEDCO),
Thiruvarur.
2. The Executive Engineer, (Operation and Maintenance)
Tamil Nadu Generation and Distribution
Corporation Ltd. (TANGEDCO),
Thiruvarur.
3. The Superintendent Engineer,
Tiruvarur Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd. (TANGEDCO),
Thiruvarur.
4. Tamil Nadu Arasu Cable T.V. Corporation Ltd.,
(T A C T V)
31, Eda Street, Madappuram,
Thiruvarur.

+1cc to Mr.K.Rajasekaran, Advocate SR. No.60982

W.P.No.19112 of 2014

VGII (CO)
PR (06/12/2021)