



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.3362 of 2011

The Superintending Engineer,
Trichy Electricity Distribution Circle/Metro,
Tamil Nadu Electricity Board,
Mannarpuram, Trichy - 620 020.

... Petitioner

Vs.

1. M/s.Parameswara Mangalam Steels Pvt. Ltd.,
New No.5, Old No.10-B-3,
Ramachandrapuram,
11th Cross Road,
Thillai Nagar, Trichy - 620 017,
Rep. by its Managing Director,
P.S.Krishnamurthy.

2. The Ombudsmen,
Tamil Nadu Electricity Board,
No.19A, Rukmani Lakshmipathy Road,
TIDCO Complex,
Egmore, Chennai - 8.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to Appeal petition No.37 of 2010 dated 29.12.2010 on the file of the second respondent and quash the same.

For Petitioner : Mrs.S.Srimathy,
Standing Counsel.

For R-1 : Mr.S.C.Herold Singh

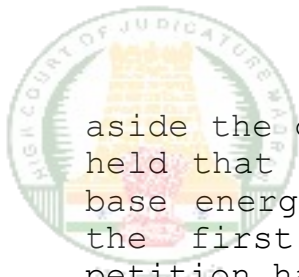
For R-2 : No appearance.

* * *

ORDER

Heard the learned Standing counsel appearing for the petitioner and the learned counsel appearing for the first respondent.

2. The first respondent had purchased the unit in question from M/s.Dhandapani Cements Pvt. Ltd., Trichy, in the year 2009. During the relevant time, R & C measures were in force. The petitioner felt that the load sanctioned in favour of the vendor would not be sufficient to meet their requirements. Therefore, the petitioner approached the concerned authority TANGEDCO for re-fixation of base demand and base energy. The petitioner's request was negatived. The petitioner moved the Consumer Grievance Redressal Forum. Again the petitioner's request was rejected. Questioning the same, the first respondent herein filed a petition before the Ombudsman. By the impugned order dated 29.12.2010, the Ombudsman set



aside the order passed by the Consumer Grievance Redressal Forum and held that the writ petitioner herein must refix the base demand and base energy having regard to the required re-consumption needed by the first respondent herein. Challenging the same, this writ petition has been filed.

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3. The Ombudsman has already held that R & C measures that were put in place for M/s.Dhandapani Cements Pvt. Ltd., can no longer hold good, when the ownership has changed hands. This approach adopted by the Ombudsman appears to be eminently fair and reasonable. No interference is called for.

4. This writ petition stands dismissed.

5. It is not known as to whether pursuant to the impugned order passed by the Ombudsman, the writ petitioner passed any consequential order or not. The learned Standing counsel would point out that till an order is passed, the petitioner could not have made any consumption beyond what was originally permitted and it is also not known as to whether the petitioner had consumed beyond what was permitted by the order passed pursuant to the impugned order. If these issues will have any implication, they are left it open. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pmu

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

The Ombudsmen,
Tamil Nadu Electricity Board,
No.19A, Rukmani Lakshmipathy Road,
TIDCO Complex,
Egmore, Chennai - 8.

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MJ(CO)

KK(03.02.2021) 2P 2C