



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04-02-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP NO.29585 OF 2012

AND

MP NOS.1 AND 2 OF 2012

V.Venugopal

.. Petitioner

vs.

1. The Superintending Engineer,
Thiruppur Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Thiruppur.
2. The Assistant Electricity Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Valavadi,
Udumalpet Taluk,
Thiruppur District.

.. Respondents

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 in respect of the impugned proceedings of the second respondent herein in LR No.U.PO/Valavadi/Va.Me/K.Varuvai/V.No.106 dated 23.12.2011 and his consequent proceedings in LR No.U.PO/ Valavadi/ Va.Me/ K.Varuvai/ V.No.257 dated 08.10.2012 and quash the same.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.M.Abdul Kalam,
Standing Counsel for TANGEDCO.

O R D E R

The impugned order dated 23.12.2011 was issued by the second respondent demanding consumption charges on account of defective meter in the premises of the petitioner.



2. The petitioner is the Proprietor of the Ayilammal Fibres and electricity service connection is provided in the premises of the petitioner. The electric meter was installed in the premises of the petitioner and the said meter was found defective since November 2010. The petitioner informed about the error in the meter to the respondents. However, the Authorities during the inspection found that the meter was defective and the Audit Branch of the TANGEDCO determined the consumption charges to be paid by the petitioner. The demand made by the respondents is under challenge in the present writ petition.

3. This Court is of the considered opinion that the disputed facts in respect of determination of consumption charges by the Competent Authorities, cannot be adjudicated in the writ proceedings under Article 226 of the Constitution of India. The Consumer Grievances Redressal Forum has been constituted under Regulation 18 of the Tamil Nadu Electricity Supply Code and thereafter, the Electricity Ombudsman is also under functioning. Thus, the petitioner is bound to exhaust the statutory remedies contemplated under the Regulations and the original adjudications are to be done with reference to the documents and evidences and such an adjudication cannot be done by the High Court in the writ proceedings.

4. Therefore, the petitioner is at liberty to approach the Forum or the Appellate Authority, as the case may be, for the redressal of his grievances, if any. In the event of filing any such application, the period during which the writ petition was pending before the High Court is to be taken into consideration for the purpose of condoning the delay if any and the issues are to be adjudicated on merits and in accordance with law and expeditiously as possible.

5. With the abovesaid liberty, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Svn



To

1. The Superintending Engineer,
Thiruppur Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Thiruppur.

2. The Assistant Electricity Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Valavadi,
Udumalpet Taluk,
Thiruppur District.

WP 29585 of 2012

PMK (CO)
PM/28/02/2022