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W.P.No.4212 of 2007

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2022

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4212 of 2007

M/s.Gautam Industries
Rep. by its Authorised Signatory
A.C. Mahesh
7/22-B, Madurai Bypass Road,
Thomaiyapuram,
Dindigul – 624 002.

... Petitioner

Vs.

- 1.The Tamil Nadu Electricity Ombudsman
Tamil Nadu Electricity Board,
Anna Salai,
Chennai – 600 002.
- 2.The Chairman,
(Superintending Engineer)
Consumer Grievance Redressal Forum,
Tamil Nadu Electricity Board,
Dindigul Electricity Distribution Circle,
Angu Nagar Electricity Complex,
Meenakshi Naickenpatti, Dindigul 624 002.
- 3.Executive Engineer-North,
Tamil Nadu Electricity Board,
Dindigul.
- 4.The Assistant Engineer, North I,
Tamil Nadu Electricity Board,
Dindigul.



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5.The Junior Engineer,
Rural/North III.
Tamil Nadu Electricity Board,
Dindigul.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified, calling for the records pertaining to the order passed by the Ist respondent dated Nil in O.P.17/2006, dated 27.11.2006, confirming the order of the 2nd respondent dated 31.5.2006 in Ka.No.Ma Tha/Migutham/Vu Se Poa/Ma Thoa Aa/Koa No./As.No.986/2006 and the order of the 3rd respondent dated 31.12.2005 in No.Nil and the order of the 5th respondent Ka.No.Ei.Mi.Poa/Ki.Va.III/Koa.Kattu/Aa.No.252/04 dated 26.8.2004 and quash the same.

For Petitioner : Mr.K.Selvarangan

For Respondents : Mr.Abulkalam
Standing Counsel

ORDER

This writ petition has been filed challenging the order dated 26.11.2006 passed by the 1st respondent, confirming the order of the 2nd respondent dated 31.05.2006 and the order passed by the 5th respondent dated 26.08.2004.

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2.The petitioner was given a service connection and on an inspection conducted by the Assistant Executive Engineer, it was found that there was a "Wrong Phase Association" and it was further found that the meter was recording less consumption by 31% than the actual consumption on account of such wrong phase association. Hence, this 31% was added to the consumption from the date of effecting the service connection and the petitioner was directed to pay a sum of Rs.3,45,451/- by the 5th respondent through an order dated 26.08.2004.

3.The above order was made a subject matter of challenge before this Court in W.P.No.2071 of 2004 and this Court by an order dated 07.10.2004 interfered with the order passed by the 5th respondent on the ground that the petitioner was not given any opportunity before the demand was made. The matter was remanded back to the file of the 5th respondent.

4.Pursuant to the remand, notice was issued to the petitioner and the petitioner also gave his reply opposing the levy of additional charges. It was ultimately concluded that the wrong phase association had taken place since 22.01.2001 and in line with Section 56(2) of the Electricity Act, 2003, the claim was restricted for a period of two years from 2004 to 2006.



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Aggrieved by the order passed by the 3rd respondent, an appeal was filed before the 1st respondent and the 1st respondent through the impugned order dated 26.11.2006, confirmed the order passed by the 3rd respondent and dismissed the appeal. Aggrieved by the same, this writ petition was filed before this Court.

5. Heard Mr.K.Selvarangan, learned counsel appearing on behalf of the petitioner and Mr.Abulkalam, learned Standing Counsel appearing on behalf of the respondents.

6. It is seen from records that the claim that was restricted for two years was recalculated and a sum of Rs.2,50,000/- was arrived at. The petitioner had paid a sum of Rs.60,000/- and this Court by an interim order dated 08.02.2007 directed the petitioner to pay 25% of the balance amount i.e., Rs.62,500/-. The order of stay was granted by imposing this condition.

7. The learned counsel for the petitioner submitted that the petitioner Company became sick and ultimately, its operation was closed down.

8. This Court on carefully going through the order passed by the 1st respondent finds that sufficient reasons have been given while confirming



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the order passed by the 3rd respondent and the respondent have rightly confined the claim only for a period of two years as per the Regulations. This Court does not find any illegality in the order passed by the 1st respondent and in any case, the petitioner Company is no longer in operation.

9.In view of the above, this writ petition stands dismissed. No Costs.

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Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

(2/2)

To

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Co-operation, Food & Consumer Protection Department,
Fort St. George,
Chennai – 600 009.
- 2.The Special Commissioner,
Commissioner of Civil Supplies & Consumer Protection Department,
Chepauk, Chennai – 600 005.
- 3.The Additional Commissioner of
Civil Supplies & Consumer Protection Department,
Chepauk, Chennai – 600 005.
- 4.The Deputy Commissioner (City) South,

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Civil Supplies & Consumer Protection Department,
Chepauk, Chennai – 600 005.

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ssr

5.The Assistant Commissioner,
Civil Supplies & Consumer Protection Department,
Mylapore, Chennai – 600 004.

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