



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28976 of 2016

and

W.M.P.No.25058 of 2016

N.Manokaran

Vs

... Petitioner

1. The Chairman
Tamil Nadu Electricity Board,
Anna Salai,
Chennai - 600 002.

2. The Executive Engineer,
TANGEDCO Ltd.
Vellichandhai,
Palacode Taluk,
Dharmapuri District.

3. The Assistant Engineer,
Operation & Maintenance
TANGEDCO Ltd.
Vellichandhai,
Palacode Taluk,
Dharmapuri District.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the records issued by the 3rd respondent in his proceedings letter Ka.En.UPO/E&P/Ke/pala/co.Thanikai/No/134/16-17, dated 09.08.2016 and quash the same.

For Petitioner : Mr.D.Ramesh Kumar

For Respondents : Mr.L.Jaivenkatesh,
For TANGEDCO, For R1 to R3.

ORDER

The demand notice issued based on the audit objection in proceeding dated 09.08.2016 is under challenge in the present writ petition.



2. The learned counsel appearing on behalf of the respondent/TANGEDCO made a submission that the electricity meter installed in the premises of the petitioner was defective from February 2015 to August 2015. During the audit objection, the Consumption Charges were determined and accordingly, the demand notice was issued in proceeding dated 09.08.2018 which is impugned.

3. In respect of the said demand notice, if at all the petitioner raises an objection, then the petitioner has to approach the Competent Authority or the Consumer Grievances Redressal Forum constituted under Clause 18 of the Tamil Nadu Electricity Supply Code. High Court cannot adjudicate such disputed facts with reference to the documents and evidences. The original proceedings, i.e, the demand notice was issued based on the audit objections. Thus, the scrutiny of documents and evidences are necessary for the purpose of determining the issue involved.

4. Under these circumstances, the petitioner is at liberty to approach the Appellate Authority or the Consumer Grievances Redressal Forum as the case may be for the purpose of effective adjudication and to resolve the issue in the manner known to law. In the event of the petitioner approaching the Consumer Grievances Redressal Forum, the Forum shall consider the period during which the writ petition was pending before this High Court for the purpose of condoning delay and decide the issue on merits and in accordance with law as expeditiously as possible.

5. With these directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

kmm

To

1. The Chairman
Tamil Nadu Electricity Board,
Anna Salai,
Chennai - 600 002.



2. The Executive Engineer,
TANGEDCO Ltd.
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Palacode Taluk,
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Vellichandhai,
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Dharmapuri District.

+1cc to Mr.D.Ramesh Kumar, Advocate, S.R.No.5131

W.P.No.28976 of 2016

SSI (CO)
SB(21/02/2022)