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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31-01-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP NO.5545 OF 2016

AND

WMP NO.4881 OF 2016

S.Krishnamoorthy

..Petitioner

vs.

1. The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai - 600 003.
2. The Chairperson,
Electricity Consumer Redressal Forum,
Erode Electricity Distribution Circle,
948, E.V.N. Road,
Erode - 638 009.
3. The Executive Engineer,
Operation and Maintenance/South,
Erode Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Erode - 638 009.
4. The Assistant Executive Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Erode Electricity Distribution Circle,
Sivagiri - 638 109,
Erode District.
5. The Assistant Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Erode Electricity Distribution Circle,
Sivagiri - 638 109,
Erode District.

.. Respondents



Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 23.12.2015 (Received on 17.01.2016) made in Lr.No.S.E./E.E.D.C./E/AEE/Va/AE/File. ECRF Petn/No.377/15 relating to petition No.28 dated 03.11.2015 passed by the seond respondent, quash the same, consequently direct the respondents 3 to 5 to provide agricultural electricity service connections to the petitioner's bore well and ground level well in S.F.No.269/2 and 276/2 Konthalam Village, Erode District by considering his applications pending in Registration Nos.894/90-91 and 895/90-91 dated 17.01.1991 respectively.

For Petitioner : Mr.N.Manokaran

For Respondents-1 to 5 : Mr.L.Jai Venkatesh,
Standing Counsel for TANGEDCO.

O R D E R

The order impugned dated 03.11.2015 itself states that the petitioner in the evnet of any grievance in respect of the order impugned passed by the Consumer Grievances Redressal Forum has to prefer an appeal before the Electricity Ombudsman.

2. The Electricity Ombudsman is empowered to adjudicate all the disputed facts as well as the legal grounds raised between the parties. The valuable right of the aggrieved person is to exhaust the remedy before the Electricity Ombudsman need not be taken away unnecessarily. So also the High Court cannot adjudicate the disputed facts in an elaborate manner with reference to the original documents and evidences. Thus, the petitioner has to exhaust the appellate remedy as contemplated.

3. Accordingly, the petitioner is at liberty to approach the Electricity Ombudsman by following the procedures as contemplated. 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.



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

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Chairman,
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Erode District.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.6069

WP 5545 of 2016

SV(CO)
PM/11/02/2022