



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27517 of 2014

and

M.P.No.1 of 2014

K.N.Subramaniam

...Petitioner

Vs

1. The Superintending Engineer,
O & M, TANGEDCO,
Gobi Electricity Distribution Circle,
Gobichettipalayam,
Erode District.
2. The Executive Engineer,
O & M, TANGEDCO,
Sathyamangalam,
Erode District.
3. The Assistant Executive Engineer,
O & M (East), TANGEDCO,
Sathyamangalam,
Erode District.
4. The Assistant Electricity Engineer,
O & M, TANGEDCO,
Gobi Electricity Distribution Circle,
Kodiverry, Erode District.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records in respect of the impugned order passed by the 4th respondent vide No. Ka.No. U.Mi.Po./ E & Pe./Ko./Ko. Kattu/No. /2013 dated 7.10.2013 as confirmed by his order vides Ka.No. U.Mi.Po. E & Pe. Kodiveri Ko. Veethapatti Mattram No.027 2014-2015 dated 21.04.2014 in respect of electricity service connection No.851, 852, 853, 894, 895, 896, 1021, 1022 and 1023 of the petitioner's premises in R.S.No.139/1 in Malaiyadipudur Village, Komarapalayam Village, Sathyamangalam Taluk, Erode District is concerned and quashes the same and consequently direct the respondents to return back the amount of Rs.1,82,500/- collected from the petitioner with interest as may be fixed by this Honourable Court.



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For Petitioner : Mr.M.Roshan Atia
For Respondents 1 to 4 : Mr. L.Jai Venkatesh
For TANGEDCO

ORDER

The demand issued in proceedings dated 07.10.2013 in respect of the consumption charges, is under challenge in the present writ petition.

2.The competent authorities of the TANGEDCO found that the electricity service connection provided to the premises of the petitioner is used for commercial purposes and accordingly, changed the tariff. The learned counsel for the petitioner made a submission that it was not utilised for commercial purposes and students were staying the premises.

3.However, such disputes require an adjudication with reference to the documents and evidences. The petitioner has to establish that the electricity service connection was not utilised for commercial purposes. Therefore, the High Court cannot adjudicate such disputed issues in a writ proceedings under Article 226 of the Constitution of India, as it requires scrutinisation of documents and evidences to be produced by the parties. The petitioner has to exhaust the remedy provided under Clause 18 of the Tamil Nadu Electricity Supply Code by approaching Consumer Grievances Redressal Forum. The Forum is competent to adjudicate all original issues with reference to the documents and evidences. This being the factum established, the petitioner is at liberty to approach the Consumer Grievances Redressal Forum by filing an appropriate application. In the event of any such approach, the forum shall consider the period during which the writ petition was pending before the High Court for the purpose of condoning the delay and decide the issues on merits and in accordance with law as expeditiously as possible.

4.With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

nti/mkn



To

1. The Superintending Engineer,
O & M, TANGEDCO,
Gobi Electricity Distribution Circle,
Gobichettipalayam,
Erode District.
2. The Executive Engineer,
O & M, TANGEDCO,
Sathyamangalam,
Erode District.
3. The Assistant Executive Engineer,
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W.P.No.27517 of 2014

RLD(CO)
SB(01/03/2022)