



W.P(MD)No.15827 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.09.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.15827 of 2013

and

M.P(MD)No.1 of 2013

The Public Information Officer,
EB Vigilance Office,
Tamil Nadu Electricity Board Limited,
144, Anna Salai, N.P.K.R.R.Maaligai,
Opposite to LIC of India,
Chennai-600 002.

... Petitioner

Vs.

1.The District Consumer Disputes
Redressal Forum, Thirunelveli.

2.A.Bramma @ Piramanayagam

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order, dated 02.07.2013, passed in Consumer Complaint No.50 of 2013 on the file of the first respondent and quash the same as without jurisdiction and consequently, directing the second respondent to pay a compensation of Rs.2 lakhs to the petitioner.



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For Petitioner : M/s.S.Deenadhayalan
Standing Counsel

For Respondents : No appearance

ORDER

The present Writ Petition has been filed challenging the award passed by the District Consumer Disputes Redressal Forum as against the petitioner herein. The petitioner is the Public Information Officer of EB vigilance Office, Tamil Nadu Electricity Board Limited. The second respondent has lodged a consumer complaint as against the writ petitioner in Consumer Complaint No.50 of 2013. In the said complaint, the first respondent has passed an award on 02.07.2013.

2. The learned Counsel for the petitioner relied upon a judgment rendered by National Consumer Disputes Redressal Commission reported in **2015 SCC OnLine NCDRC 2**. In Paragraph No.25 of the said judgment, the National Consumer Disputes Redressal Forum Commission has held as follows:

*“25.For the reasons stated hereinabove, we hold that
(i) the person seeking information under the provisions of RTI
Act cannot be said to be a consumer vis-a-vis the Public*



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Authority concerned or CPIO/PIO nominated by it and

(ii) the jurisdiction of the Consumer Fora to intervene in the matters arising out of the provisions of the RTI Act is barred by necessary implication as also under the provisions of Section 23 of the said Act. Consequently no complaint by a person alleging deficiency in the services rendered by the CPIO/PIO is maintainable before a Consumer Forum.”

3. In view of the judgment of the National Consumer Disputes Redressal Forum Commission, the District Consumer Disputes Redressal Forum has no jurisdiction to entertain a consumer complaint as against the Public Information Officer under the Right to Information Act. In view of the above said facts, the award passed by the first respondent herein is set aside. The writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

23.09.2022

Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR, J.

btr

To

The District Consumer Disputes
Redressal Forum, Thirunelveli.

Order made in
W.P(MD)No.15827 of 2013

23.09.2022