



W.P.No.11554 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.11554 of 2023
and
WMP.Nos.11450 to 11452 of 2023

A.Pachaiyammal

...Petitioner

Vs.

1. The Chairman,
TANGEDCO,
Tamil Nadu Electricity Board,
No.800, Anna Salai, Chennai – 600 002.
2. The Assistant Executive Engineer,
TANGEDCO,
No.33/11, KV Pammal,
SS Complex, Anna Nagar,
Pammal, Chennai – 600 075.
3. The Assistant Engineer, (TNEB),
TANGEDCO,
Pozhichaloor, Chennai – 600 074.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the 3rd respondent in the Impugned notice dated 01.04.2023 in details of Re.Conn/Acc.Closure charges and other pending arrears and quash the same.



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For Petitioner : Mr.S.Ezhilraj

For Respondents : Mr.L.Jai Venkatesh

ORDER

This Writ petition has been filed seeking quashment of the notice of the 3rd respondent dated 01.04.2023 in details of Re.Conn/Acc.Closure charges and other pending arrears.

2. The case of the petitioner is that the petitioner is the subscriber of respondents in Consumer No.09311013263 and she is paying the bills without any default. While so, from January 2021 onwards, the petitioner did not receive any bill from the respondents and therefore she was under the impression that, since she is not using more than 100 units, she has not received any bill. While such being the case, the bill for the month of September and November 2020 was generated and the amount was Rs.1070/- and Rs.3,100/- respectively, and for no payment of the said bill amount, on 30.12.2022, the 3rd respondent removed the Fuse on the ground that, the petitioner is involved in Theft of electricity and also removed the Electricity meter on 03.01.2023 and thereafter, the 3rd respondent, vide



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proceedings dated 20.01.2023, directed the petitioner to pay a sum of Rs.75,800/-, inspite of all the efforts taken by the petitioner to prove that she has not committed any theft of electricity. Thereafter, as per the direction of the respondents, the petitioner paid a sum of Rs.6,789/- on 24.01.2023 and the said payment was only upto 16.02.2022. Further, the meter was changed on 09.12.2021 and pursuant to which, the respondents have not raised charges from 09.12.2021 to 03.01.2023 and all of sudden, the 3rd respondent has issued the present impugned demand notice dated 01.04.2023, directing the petitioner to pay a huge amount towards alleged charges for theft of energy, which is not sustainable. Challenging the same, the petitioner has come up with this Writ petition.

3. Heard learned counsel on either side and perused the materials available on record.

4. Though very many grounds have been raised by the learned counsel on either side however, when this Court expressed its opinion that, as against the impugned notice issued by the 3rd respondent, there is an



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effective remedy available before the Consumer Grievances Redressal Forum (for short 'CGRF'), learned counsel for the petitioner restricted the prayer and sought for permission of this Court to approach the CGRF by way of making appropriate application, for which, the learned counsel appearing for the respondents has not raised any objection.

5. In view of the restricted prayer as sought for by the petitioner, this Court without interfering with the impugned notice dated 01.04.2023, grants liberty to the petitioner to approach the CGRF by way of making appropriate application within a period of four weeks from the date of receipt of a copy of this order. Upon receipt of such application, the CGRF shall consider the same on merits and in accordance with law and pass appropriate orders within a period of four weeks thereafter, after affording an opportunity of personal hearing to the petitioner. The time during which this petition has been pending before this Court shall be excluded for the purpose of computation of limitation, if any.



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6. Accordingly, this Writ Petition stands disposed of with the aforesaid direction. No costs. Consequently, connected Miscellaneous petitions are closed.

28.06.2023

skt

NCC : Yes / No
Speaking Order : Yes / No
Index : Yes / No

To

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M.DHANDAPANI., J.

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