



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

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THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.10869 of 2020
and WMP.No.13191 of 2020

N.Muthuraman

... petitioner

-Vs-

1. The Superintendent Engineer,
Office of the Superintendent Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Palladam, Tiruppur District.

2. The Assistant Engineer,
Operation & Maintenance,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Manakadavu, Dharapuram,
Tiruppur District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorari Calling for the records of order in Ka.No. U Mi Po/Ma.Kadvu/B.Audit/No.034/2020, dated 04.06.2020 on the file of 2nd respondent herein and quash the same.

For petitioner : Mr. M.Ponraj

For Respondents : Mr.L.Jaivenkatesh, Standing Counsel

ORDER

This petition has been filed seeking to quash the impugned order passed by the second respondent herein dated 04.06.2020.



2. It is the case of the petitioner that he is running a crusher unit for more than 10 years and for the crusher unit, he got electricity service from the second respondent and he used to pay the electricity amount regularly as per the demand made by the second respondent. While so, during 2016 to 2018, the petitioner did not run the unit due to financial crisis. After lapse of two years i.e. 04.06.2020, the respondent served an impugned order dated to the petitioner stating that the petitioner has to pay a sum of Rs.1,75,858/- as his electric meter was not functioning during June to October 2018 and the same was found during audit. Challenging the said order, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that the petitioner did not run the unit during the above said period and the same was informed to the second respondent also. Without giving any opportunity to the petitioner, the second respondent has passed the present impugned order, which is not sustainable one.

4. The learned Standing Counsel appearing on behalf of the respondents submitted that as against the order passed by the original authority, there is an appeal remedy available before the Consumer Grievance Redressal



Forum (CGRF). Without filing an appeal, the petitioner has filed a writ petition before this Court, which is not maintainable and the same is liable to be dismissed.

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

6. As rightly submitted by the learned Standing Counsel that since it is a dispute with regard to the electricity connection, there is an appeal remedy available before the CGRF. In view of the above disputed question of fact, this Court cannot decide the issue. If the petitioner is aggrieved over the issue, he has to approach the CGRF. Instead of doing that, the petitioner has filed the present writ petition, this Court also cannot interfere with the impugned order.

7. In the result, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed. However, liberty is granted to the petitioner to work out his remedy in the manner known to law.

09.06.2023

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WEB COPY



M.DHANDAPANI, J.

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To

1. The Superintendent Engineer,
Office of the Superintendent Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Palladam, Tiruppur District.

2. The Assistant Engineer,
Operation & Maintenance,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Manakadavu, Dharapuram,
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