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W.P.No.13685 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM

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

W.P.No.13685 of 2020
and
W.M.P.No.17010 of 2020

The Assistant Executive Engineer, Vepery,
Chennai Electricity Distribution Circle / Central,
TANGEDCO, 33/11 KV SS, Behind G3 Police Station,
Opp. To Sangam Theater, Poonamallee High Road,
Chennai – 600 084.

...Petitioner

Vs.

1. Tamil Nadu Electricity Ombudsman,
No.19-A, Rukmini Lakshmipathy Road,
(TIDCO Complex), Egmore, Chennai – 600 008.

2. The Superintending Engineer,
Consumer Grievance Redressal Forum (CGRF),
Chennai Electricity Distribution Circle/ Central,
MGR Salai, 110/33/11 KV Valluvarkottam,
Nungambakkam, Chennai – 600 034.

3. Mr.Babulal L Shah,
Fuso House,
No.91, Poonamallee High Road,
Chennai – 600 084.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the 1st respondent in A.P.No.51 of 2019 dated 03.06.2020 and quash the same.



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For Petitioner : Mr.L.Jai Venkatesh

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ORDER

Aggrieved by the order passed by the order passed by the 1st respondent in A.P.No.51 of 2019 dated 03.06.2020, the present writ petition has been filed.

2. It is the case of the petitioner that the third respondent along with four others jointly own the commercial premises situated at No.91, Poonamallee High Road, Chennai and have obtained Low Tension Current Transformer Service during the year 2010 under commercial tariff. However, it is the claim of the Electricity Board that due to the mis-proper functioning of the Air Conditioner installed by the 3rd respondent, the Distribution Transformer produced abnormal heat leading to fire accident. Seeking installation of new Distribution Transformer, the third respondent made an application before the electricity board and based on the undertaking affidavit consenting to bear the cost of erection of transformer, the Chief Engineer, Distribution, Chennai North region has prepared Deposit Contribution Works estimation vide memo (in short 'DCW') dated



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14.03.2018. Against which, the third respondent filed a petition before the Consumer Grievance Redressal Forum (in short 'CGRF'). Aggrieved over the in action of the petition filed before the CGRF, the third respondent preferred an appeal before first respondent, which allowed the appeal vide order dated 03.06.2020 by directing the electricity board to execute the work at the licensee's cost. Challenging the same the electricity board has come up with the above writ petition seeking the aforesaid relief.

3. Learned counsel appearing for the petitioner submits that due to improper maintenance of Air Conditioner installed by the third respondent, the Distribution Transformer produced abnormal heat, causing the fire accident. Hence, the order dated 03.06.2020 passed by the first respondent in A.P.No.51 of 2019, setting aside the DCW estimation prepared by the Chief Engineer, Distribution, Chennai North region is not sustainable. Hence, he prayed to allow this writ petition.

4. Admittedly, the Distribution Transformer installed by the Electricity Board, got ignited on 05.09.2017. It is the contention of the Electricity Department that the electrocution of the Distribution



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Transformer was caused due to the improper maintenance of the Air Conditioner installed in the premises of the third respondent, for which, they issued the DCW estimation amounting to Rs.20,16,500/- vide memo dated 14.03.2018 to be borne out by the petitioner.

5. However, when the said DCW estimation issued by the Electricity Board was questioned by the third respondent before the first respondent / Ombudsman, the Ombudsman being the special body established to redress the grievances of the consumer and the Electricity Board, rendered its decision by setting aside the DCW estimate dated 14.03.2018 and directed the electricity Board to execute the work without collecting charges from the third respondent.

6. Hence, this Court is not inclined interfere with the impugned order dated 03.06.2020 passed by the first respondent under Article 226 of the Constitution of India. However, the second respondent / Superintending Engineer is directed to erect the Distribution Transformer as per the order dated 03.06.2020 passed by the Tamil Nadu Electricity Ombudsman in A.P.No.51 of 2019 within a period of four (4) weeks from the date of receipt



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of a copy of this order.

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7. With the above directions and observation, this writ petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

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(rap)

NCC : Yes/ No

Speaking Order : Yes/ No

Index : Yes/ No

To

1. Tamil Nadu Electricity Ombudsman,
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