



W.P.Nos.15588 & 15595 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

CORAM

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

W.P.Nos.15588 & 15595 of 2020

and

WMP.Nos.19442 & 19450 of 2023

M/s.Palson Leathers,
Rep. by its Partner Mr.A.L.Thandayuthapani,
No.187/2, Anna Salai, Nagelkeni,
Chrompet, Chennai – 600 044. ...Petitioner in W.P.No.15588 of 2020

A.L.Thandayuthapani ...Petitioner in W.P.No.15595 of 2020

Vs.

1. The Chairman,
Tamil Nadu Electricity Board,
No.144, Anna Salai, Chennai – 600 002.
2. The Assistant Executive Engineer,
Chennai Electricity Distribution Circle (South),
T.N. Electricity Generation and Distribution Corporation,
Pammal, Chennai – 600 045.
3. The Assistant Engineer (Operation and Maintenance), (TNEB),
Chennai Electricity Distribution Circle (South),
T.N. Electricity Generation and Distribution Corporation,
Chrompet, Chennai – 600 044.
4. The Assistant Account Officer,
Chennai Electricity Distribution Circle (South),
T.N. Electricity Generation and Distribution Corporation,
Ashoka Lane, Pallavaram 110 KV Substation-1st Floor,
Pallavaram, Chennai – 600 043. ...Respondents in both W.P's.



W.P.Nos.15588 & 15595 of 2020

Prayer in W.P.No.15588 of 2020: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the impugned action of the third respondent in including the audit arrears of a sum of Rs.2,22,915/- (Rupees Two Lakhs twenty two thousand and nine hundred and fifteen only) towards the audit shortfall along with the regular current consumption charges for the month of September, 2020 for S.C.No.252-582-33 and quash the same as illegal arbitrary and against the provisions of the Electricity Act, 2003 and the Tamil Nadu Electricity Supply Code, 2004.

Prayer in W.P.No.15595 of 2020: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the impugned action of the third respondent in including the audit arrears of a sum of Rs.1,29,353/- (Rupees One Lakh twenty Nine Thousand and Three hundred and fifteen Three only) towards the audit shortfall along with the regular current consumption charges for the month of September, 2020 for S.C.No.252-582-104 and quash the same as illegal arbitrary and against the provisions of the Electricity Act, 2003 and the Tamil Nadu Electricity Supply Code, 2004.

In Both W.P's:

For Petitioner : Mr.M.Venkatakrishnan

For Respondents : Mr.L.Jai Venkatesh

COMMON ORDER

Since the issue involved in both the Writ petitions are similar in nature, they are disposed of by way of this common order.



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2. These Writ petitions have been filed seeking quashment of the demands of the 3rd respondent in including the respective audit arrears towards the audit shortfall along with the regular current consumption charges for the month of September, 2020 for S.C.No.252-582-33 and S.C.No.252-582-104 respectively, as the same is illegal, arbitrary and against the provisions of the Electricity Act, 2003 and the Tamil Nadu Electricity Supply Code, 2004.

3. The case of the petitioners is that the Electricity board raised a demand payment of the audit shortfall amount of Rs.2,22,915/- and Rs.1,29,353/- for S.C.No.252-582-33 and S.C.No.252-582-104 respectively, on the basis of the audit slip. Though, this Court, vide orders dated 26.08.2004, 11.09.2009 and 11.06.2010 directed the respondents to conduct enquiry on the objections raised by the board audit and decide the validity of the claims, despite the same, the board is trying to take action without following the mandatory requirements of the regulations. Further, the petitioners came to know about the present impugned demands of the 3rd respondent, directing the petitioners to pay miscellaneous charges only



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through the information available in the TNEB Website. Hence, challenging the same, the petitioners have come up with these Writ petitions.

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

5. 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 demands of the 3rd respondent, there is an effective remedy available before the Consumer Grievances Redressal Forum, (for short 'CGRF'), learned counsel for the petitioners 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.

6. In view of the restricted prayer as sought for by the petitioners, this Court without interfering with the impugned demands, grants liberty to the petitioners 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



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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 petitioners. Further, the Interim stay already by this Court shall continue, till the CGRF disposes of the applications to be filed by the petitioners, The time during which these petitions have been pending before this Court shall be excluded for the purpose of computation of limitation, if any.

7. Accordingly, these Writ Petitions stand disposed of with the aforesaid direction. No costs. Consequently, connected Miscellaneous petitions are closed.

28.06.2023

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



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M.DHANDAPANI., J.

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