



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED **05.01.2023**

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.18190 of 2018

And

W.M.P.No. 5182 of 2019

Mushahid Hussain

... Petitioner

..Vs..

1. The Chairman cum Managing Director
Tamil Nadu Generation and Distribution Corporation
(TANGEDCO)
No.144, 10th Floor, NPKRR Maaligai, Anna Salai
Chennai – 600 002.
 2. The Superintending Engineer
Chennai EDC/Central
MGR Salai, 110/33/11KV
Valluar Kottam SS Complex
Nungambakkam, Chennai – 600034.
 3. The Assistant Engineer, O&M /Kilpauk
CEDC/Central/TNEB
37, Medavakkam Tank Road, Chennai – 600 010.
 4. The Assistant Accounts Officer
TNEB, Kilpauk Electric Circle,
37, Medavakkam Tank Road, Chennai 600 010.
 5. Jayanthi
 6. Sathayawathi
 7. Illavarasi
 8. Shanthi
- ... Respondents



PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari calling for the record of the third respondent dated 28.06.2018 in Lr:AE/O&M/KILPAUK/F-MRT/D-191/18-19/DT 28.06.2018 and quash the same.

For Petitioner :: Mr. F.Arif Nawaz

For RR 1 to 4 :: Mr. L.Jai Venkatesh
TNEB

ORDER

The petitioner is running a Hotel called about Hotel Paramount at Kilpauk. The fifth, sixth, seventh and eighth respondents are the owners of the building.

2. It is stated by the learned counsel that in the year 2016, the fifth to eighth respondents as owners of the building had given an application to enhance the electricity units to be used and had also paid the necessary charges. In the year 2018, there was an inspection by the third respondent and the third respondent had issued the notice now impugned in the present Writ Petition stating that there is a strong presumption that the meters had been tampered. This presumption had been drawn on the basis of comparing the units consumed from the period 2016 onwards and for



the earlier period. On that particular basis, the impugned notice had been issued calling upon the petitioner to pay a sum of Rs.15,57,331/- . A calculation sheet had also been enclosed.

3. Questioning that particular order, the Writ Petitioner had approached this Court.

4. The proper approach for the petitioner would have been to file a regular appeal before the Consumer Grievances Redressal Forums, the Appellate Authority and if at all the period of limitation is put against the petitioner, the petitioner can claim benefit of this particular order.

5. The petitioner should file a regular appeal on or before 15.02.2023. If it is so filed, then the appeal can be taken on file. After following due procedure, the Appeal should be disposed of on or before 31.05.2023. An opportunity must be granted to the petitioner and also to the owners of the building to put their case also before the said authority.

6. The order of stay granted by my learned predecessor will continue till the appeal is filed before the said Consumer Grievances Redressal Forum, Chennai.



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C.V.KARTHIKEYAN, J.,

vsg

7. Giving that particular liberty to the petitioner herein, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

05.01.2023

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To

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