



WEB COPY



W.P.No.27591 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.27591 of 2023
and W.M.P.Nos.27043 & 27044 of 2023

Blue Mount Paper and Board Ltd., HT SC No.167
No.104, B-1, Rani ManagammaSalai,
South Veeravanallur, Tirunelveli – 627 417,
Repd. By its Director,
AswinBalasubramanian

... Petitioner

Vs.

1.The Tamilnadu Generation and Distribution
Corporation Ltd (TANGEDCO)
144, Anna Salai, Chennai – 600 002,
Represented by its Chairman.

2.The Consumer Redressal Forum,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

3.The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.



W.P.No.27591 of 2023

4.The Accounts Officer/Revenue
The Superintending Engineer Office,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorarified Mandamus, calling for the records of the 4th Respondent's Impugned CC bill dated 07.09.2023 insofar as it relates to Serial No.19 'Adjustment Charges(affecting)(Incl.18% GST)' alone and quash the same as illegal, arbitrary, against principals of natural justice, contrary to the Consumer Grievance Redressal Forum and Electricity Ombudsman 2004 and consequently direct the 2nd Respondent to hear & pass orders in the Petitioner's CGRF Petition No.3108231939961 dated 31.08.2023 strictly in compliance with the Consumer Grievance Redressal Forum and Electricity Ombudsman 2004.

For Petitioner : Mr.S.P.Parthasarthy
For Respondents : Mr.S.Madhusudanan
Standing Counsel for TANGEDCO

ORDER

The petitioner is a consumer of HT energy. Earlier, the petitioner was served with a demand notice dated 17.12.2011 raising a demand for Rs.47,78,871/- as charges payable on excess consumption of energy beyond the sanctioned



W.P.No.27591 of 2023

loan. The case of the petitioner is that he was heard at no time about it and this came to be challenged by it in WP.No.12613 of 2012. This was disposed of by a learned Single Judge of this Court Vide order dated 10.08.2022 wherein, this Court directed the third respondent/the Superintending Engineer to give the petitioner an opportunity of being heard. Thereafter, an order dated 18.03.2023 came to be passed by Thiru.S.Gurusamy, the Superintending Engineer. In this order, the earlier claim was reduced and a fresh claim of Rs.35,29,223/- was made. This is now challenged by the petitioner before the Consumer Grievance Redressal Forum and the matter is pending in Petition ID 3108231939961. Even as the petitioner's complaint before the CGRF is pending, the very Superintending Engineer has raised a fresh bill for current consumption charges, in which it has included the claim made Vide the impugned proceedings dated 18.03.2023. This is now challenged by the petitioner.

2.The learned counsel for the petitioner submitted that;

- a) the Superintending Engineer, the third respondent herein should not have included the demand made Vide his proceedings dated



W.P.No.27591 of 2023

18.03.2023 to the current consumption charges, since that claim has not become final;

b) that this Court in the order passed in W.P.No.14916 of 2017 dated 27.03.2023 has underscored that to preserve fairness in the proceedings of CGRF, the same Superintending Engineer who raised the bill should not sit to hold the enquiry. This is breached in this case.

3.Mr.S.Madhusudanan, learned Standing Counsel for the TANGEDCO takes notice for the respondents 1 to 4.

4.Admittedly, the petitioner's complaint before the CGRF is pending and hence, the petitioner is not liable to make the payment in terms of the proceedings of the third respondent dated 18.03.2023 till that proceedings attains finality. Therefore, irrespective of whether the third respondent herein includes the above said amount of Rs.35,29,223/- in the monthly current consumption charges, it is held the petitioner need not pay this sum but, it would be liable to pay the other charges. When the petitioner makes



W.P.No.27591 of 2023

payment of current consumption charges without including the claim of Rs.35,29,223/-, the TANGEDCO is also required to accept the same. This order will hold good till the Consumer Grievance Redressal Forum takes a final call in this matter. The CGRF is also informed that it should be presided by a Superintending Engineer other than the third respondent, who has raised the impugned bill, since it would raise an element of suspicion on the fairness of the proceedings.

5.The Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

21.09.2023

Tsg



WEB COPY



W.P.No.27591 of 2023

N.SESHASAYEE, J.
Tsg

To.

1.The Tamilnadu Generation and Distribution Corporation Ltd (TANGEDCO)
144, Anna Salai, Chennai – 600 002,
Represented by its Chairman.

2.The Consumer Redressal Forum,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

3.The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

4.The Accounts Officer/Revenue
The Superintending Engineer Office,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

W.P.No.27591 of 2023

21.09.2023