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W.P.No.12392 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12392 of 2017
and
W.M.P.Nos.13144 & 13145 of 2017

M.Ravichandran

...Petitioner

Vs.

- 1.The Superintending Engineer (O & M)
TANGEDCO,
Ariyalur,
Ariyalur District.
- 2.The Executive Engineer (O & M)
TANGEDCO,
Thirumanoor,
Ariyalur District.
- 3.The Assistant Executive Engineer (O & M)
TANGEDCO,
Thirumanoor,
Ariyalur District.
- 4.The Assistant Executive Engineer (O & M)
TANGEDCO,
Thirumalaipadi,
Ariyalur District.

..Respondents



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Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the Assessment order dated 05.05.2017 passed by the 3rd respondent and quash the same.

For Petitioner : Mr.G.Ethirajulu

For R1 to R4 : Mr.D.Suresh Kumar
For TANGEDCO

ORDER

The order passed by the third respondent / Assistant Executive Engineer, TANGEDCO is under challenge in the present writ petition.

2. The petitioner states that he is an agriculturist, possessing one acre of land along with his residence. The authorities have initiated action against the writ petitioner for theft of electricity.

3. The learned counsel for the petitioner reiterated that the authorities have erroneously collected excessive amount in respect of consumption charges. The petitioner has not committed any theft of energy and the authorities have erroneously formed an opinion and issued the impugned order, fixing the liability of Rs.1,81,950/-.



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4. This Court is of the considered opinion that the allegation regarding theft of energy, provisional assessment of consumption charges and the connected allegations are to be adjudicated with reference to the documents and evidences on record. The authorities competent during the course of inspection, identified the theft of energy. Whether the petitioner is liable for commission of an offence is to be determined after complete adjudication of facts and circumstances, which cannot be undertaken by the High Court in a writ proceedings under Article 226 of the Constitution of India. The petitioner has to prove his innocence through documents and evidences.

5. Therefore, the petitioner has to approach the Consumer Grievances Redressal Forum constituted under Clause 18 of the Tamil Nadu Electricity Supply Code. The Forum constituted is competent to adjudicate the issues on merits and by affording opportunity to the writ petitioner and to the authorities concerned.

6. Thus, the petitioner has to exhaust the alternate remedy, which is



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efficacious for the purpose of adjudication and establishing his case.

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7. This being the factum, the petitioner is at liberty to approach the Consumer Grievances Redressal Forum for the purpose of adjudication of issues and to redress his grievances. In the event of filing an application by the petitioner, the Forum shall consider the appeal on merits and in accordance with law as expeditiously as possible.

8. With this liberty, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

12.04.2023

Index : Yes
Speaking order
Neutral Citation: Yes
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To

1. The Superintending Engineer (O & M)
TANGEDCO,
Ariyalur, Ariyalur District.

2. The Executive Engineer (O & M)

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TANGEDCO,
Thirumanoor,
Ariyalur District.

3.The Assistant Executive Engineer (O & M)
TANGEDCO,
Thirumanoor,
Ariyalur District.

4.The Assistant Executive Engineer (O & M)
TANGEDCO,
Thirumalaipadi,
Ariyalur District.



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S.M.SUBRAMANIAM, J.

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