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W.P.No.27303 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.27303 of 2018
and WMP.Nos.31771 to 31775 of 2018
and WMP.No.4290 of 2018

G.Manivannan

... petitioner

-Vs-

1. The Chairman,
Consumer Grievance Redressal Forum,
Tamil Nadu Generation and Distribution Corporation Limited,
Anna Nagar, Chennai – 600 040.
2. The Superintendent of Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Anna Nagar, Chennai – 600 040.
3. The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Anna Nagar, Chennai – 600 040.
4. Vijayakumar

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorari, calling for the records relating to the order passed by the 1st respondent petition No.45 of 2017 dated 27.04.2018 and quash the same and consequently direct the respondents 2 and 3 to restore the electricity connection in connection No.161 003 543 of the petitioner.



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For petitioners : Mr. S.Conscious Ilango

For Respondents : Mr.L.Jaivenkatesh
Standing Counsel [R1 to R3]

ORDER

This petition has been filed seeking to quash the order passed by the 1st respondent petition No.45 of 2017 dated 27.04.2018 and quash the same and consequently direct the respondents 2 and 3 to restore the electricity connection in connection No.161 003 543 of the petitioner.

2. It is the case of the petitioner that the petitioner has obtained the electricity service connection No.161 003 543 in the area of Anna Nagar Central. The building at flat New No.111, Old No.53-C, AC Block, 4th Avenue, Shanthi Colony, Anna Nagar, Chennai, was remained vacant for a period of two years. Such being the position, the third respondent issued a demand notice demanding the petitioner to pay an amount of Rs.6,63,471/- as arrears of CC charges from November 2014 to August 2016, vide order dated 20.12.2016. Objecting the same, the petitioner made a representation to the Superintending Engineer on 22.12.2016. Thereafter, the respondents conducted an enquiry and passed a fresh order to pay a sum of Rs.1,11,541/- vide order dated 08.02.2017. However,



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without knowledge of the petitioner, the 4th respondent preferred a complaint before the Consumer Grievance Redressal Forum as against the order dated 20.12.2016. The Assistant Executive Engineer rejected the said appeal, vide order dated 27.04.2018, confirming the audit shortfall fixed as Rs.6,63,471/- as against the petitioner. Challenging the said order, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that the impugned proceedings entertained from the 4th respondent, who is the third party, has nothing to do with regard to the petitioner, to decide an issue relating to the service connection of the petitioner, is clearly an abuse of process of law. The impugned order passed by the first respondent affecting the rights of the petitioner, completely back behind the knowledge of the petitioner is highly illegal and in violation of the fundamental principles of natural justice.

4. The learned Standing Counsel appearing on behalf of the respondents submitted that the first respondent has entertained the petition filed by the 4th respondent as per the regulations for Consumer Grievance Redressal Forum and therefore, the impugned order is sustainable in the eye of law. Further



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the electricity supply was disconnected on 19.09.2018 as per the Tamil Nadu Electricity Supply Code under Section 21 for not having remitted the current consumption arrears charges even after giving sufficient time beyond the notice period. In view of the above, this court may dismiss the writ petition.

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

6. On perusal of the impugned order, it is clearly seen that the petition filed before the CGRF by one Vijayakumar, who is not a competent person, without any authorization, which is non-est in the eye of law. Therefore, this Court is inclined to quash the impugned order passed by the first respondent in petition No.45 of 2017 dated 27.04.2018. Further this Court directs the third respondent viz., Executive Engineer to pass orders on the letter dated 18.01.2017 forwarded by the Assistant Executive Engineer, after providing opportunity to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.



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7. With the above direction, the writ petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are also closed.

27.03.2023

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To

1. The Chairman,
Consumer Grievance Redressal Forum,
Tamil Nadu Generation and Distribution Corporation Limited,
Anna Nagar, Chennai – 600 040.
2. The Superintendent of Engineer,
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Anna Nagar, Chennai – 600 040.
3. Executive Engineer,
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M.DHANDAPANI, J.

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