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W.P.No.22663 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.22663 of 2024

V.S.Kumar

... Petitioner

Vs.

1.The Superintending Engineer,
Operation and Maintenance,
TANGEDCO,
Cuddalore District.

2.Assistant Engineer,
Operation and Maintenance,
TANGEDCO,
B.Mutlur,
Bhuvanagiri Taluk,
Cuddalore District.

3.The Deputy Internal Audit Officer,
TANGEDCO,
Cuddalore District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for records from the file of 2nd respondent proceeding vide Lr.No.2 AE/O&M/P.Mutlur KO.NO. dated 22.11.2022 and quash the same as illegal as devoid of merits.



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For Petitioner : Mr.Raja.Karthikeyan

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus, to call for records from the file of 2nd respondent proceeding vide Lr.No.2 AE/O&M/P.Mutlur KO.NO. dated 22.11.2022 and quash the same as illegal as devoid of merits.

2. Mr.L.Jai Venkatesh, learned Standing Counsel accepts notice on behalf of the respondents. In view of the consent expressed by both the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that, he had run a cinema theatre at S.No.49/2A and 49/2B of Puduchathiram Village, Bhuvanagiri Taluk, Cuddalore District in the year 2000 and got electricity connection bearing service No.097-009-379 within 2nd respondent jurisdiction, he had paid the electricity bill regularly according to the charges fixed by the



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Electricity Board. In the year 2008, he had demolished the cinema theatre and continued to maintain the EB meter. Thereafter, he had constructed one shop for the purpose of installation of ATM for Canara Bank, Puduchathiram Branch in 2015 and the Canara Bank had paid the electricity bill without any default since 2015. On 05.11.2020, the 2nd respondent sent a letter directing the petitioner to pay the EB bill for a sum of Rs.1,05,140/-, which was default in the years of 12/2010 to 02/2012, 04/2012 to 02/2014 and 02/2015 to 04/2015. After demolition of cinema theatre, there is no construction in that place, however, he maintained the EB meter and paid the minimum charges alone fixed by the TNEB. Thereafter, the 2nd respondent sent another letter dated 05.11.2020 directing the petitioner to pay the audit sum of Rs.1,05,140/-, thereby the petitioner had sent a representation for reconsideration and to cancel the electrical consumption charges based on the audit report. However, the same was not considered by the audit wing of the Electricity Board. Once again, the 2nd respondent had sent a letter to the petitioner dated 29.09.2022 directing him to pay the consumption charges, for which the petitioner had given a representation. On the representation given by the petitioner, the 2nd respondent had conducted field inspection and recommended to cancel the assessment bill stating



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that reading of meter and consumption registered are not matching with the audit report. However, without considering the same, the 2nd respondent has passed the impugned dated 22.11.2022 directing the petitioner to pay a sum of Rs.1,05,140/-. Aggrieved by the same, the petitioner has filed the above writ petition before this court.

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 at the time of arguments, however, when this Court expressed its opinion that, as against the impugned demand made by the 2nd respondent, there is an effective remedy available before the Consumer Grievances Redressal Forum (in short 'CGRF') in terms of Section 18 of the Supply Code, the learned counsel for the petitioner restricted the prayer and sought for permission of this Court to approach the CGRF by way of making appropriate application, for which, the learned Standing Counsel appearing for the respondents has not raised any objection.



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6. In view of the above, this Court, without interfering with the impugned demand notice, grants liberty to the petitioner to approach the CGRF by way of making appropriate application in terms of Section 18 of the Supply Code within a period of two (2) weeks from the date of receipt of a copy of this 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 (4) weeks thereafter, after affording an opportunity of personal hearing to the petitioner and aggrieved persons, if any. The period during which this petition was pending before this Court shall stand excluded for the purpose of computation of limitation, if any.

7. With the above directions, this Writ Petition stands disposed of. No costs.

08.08.2024

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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M.DHANDAPANI, J.

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To

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