



W.P.No.1126 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2025

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CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE K.RAJASEKAR

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Dr.V.Murugan

.. Petitioner

-VS-

1. The Chairman, T.N.E.B.,
Mount Road
Chennai 600 002

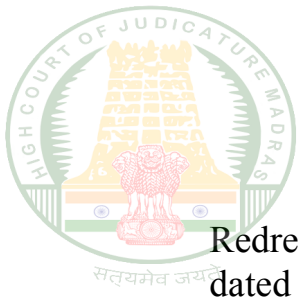
2. The Executive Engineer (O & M)
T.N.E.B. Porur
Chennai 600 116

3. The Assistant Executive Engineer
T.N.E.B., Thirumudivakkam
Chennai 600 132

4. The Assistant Engineer
T.N.E.B., Thirumudivakkam
Chennai 600 132

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records connected with the order passed by the National Consumer Disputes



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Redressal Commission, New Delhi in Revision Petition No.1841 of 2023 dated 23.08.2023 and to quash the same, consequently direct the respondents to pay compensation of Rs.4,20,000/- (Rupees four lakhs twenty thousand only) towards the loss of crops for the above said three periods of each crop of Rs.1,40,000/- (One lakh forty thousand only), pay a sum of Rs.50,000/- (Rupees fifty thousand only) for mental agony and tension for dragging the matter to the Hon'ble National Commission and to pay further Rs.10,000/- (Rupees ten thousand only) towards litigation fees.

For Petitioner :: Mr.S.Sairam for
Mr.L.J.Krishnamurthy

For Respondents :: Ms.Sindhuza.M.S for
Mr.L.Jaivenkatesh
Standing Counsel

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The writ on hand has been instituted challenging the order passed by the National Consumer Disputes Redressal Commission, New Delhi in Revision Petition No.1841 of 2023.

2. The writ petitioner filed a complaint before the District Consumer Disputes Redressal Forum, Chengalpet in C.C.No.81 of 2015 against the Tamil Nadu Electricity Board for the alleged deficiency in service



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committed by the Board. The District Consumer Disputes Redressal Forum adjudicated the issues elaborately and passed an order, which reads as follows:-

“In the result, this complaint is partly allowed. The opposite parties 3 & 4 are hereby directed to reconnect the service connection of the complainant within one month of time from the date of receipt of the copy of this order, provided the complainant herein ready with the meter board, main switch, fuse carrier and other accessories. For the deficiency of service committed by the opposite parties 3 & 4 which resulted in mental agony, sufferings and causing loss to the present complainant, they have to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) as compensation along with Rs.3,000/- (Rupees Three Thousand only) towards the cost of this proceedings to the complainant. The total amount (10000+3000) of Rs.13,000/- (Rupees Thirteen Thousand only) to be paid to the complainant by the opposite parties 3 & 4.

The above amounts shall be payable within two months from the date of receipt of the copy of this order. Failing which, the entire amount (Total amount of Rs.13,000/-) shall carry interest @ 9% p.a., from the date of this order till the realization of the amounts.”



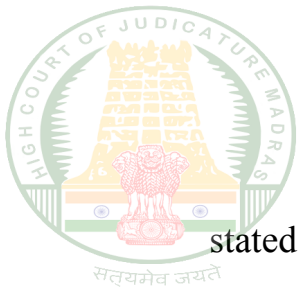
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3. The writ petitioner preferred first appeal in F.A.No.351 of 2017 before the State Consumer Disputes Redressal Commission, Chennai and the State Commission confirmed the order of the District Consumer Forum, as under:-

“10. In the result, the appeal is allowed in part, by modifying the order of the District Commission, Chengalpattu, in C.C.No.81/2015 dt. 20.9.2017, the compensation awarded @ Rs.10,000/- is hereby enhanced to Rs.25,000/-and the rest of the order is hereby confirmed. There is no order as to cost in this appeal.”

4. Challenging the said order, the petitioner herein preferred Revision Petition No.1841 of 2023 before the National Consumer Disputes Redressal Commission. The National Commission based on the powers conferred on it under Section 58 of the Consumer Protection Act and relying on the judgment of the Hon'ble Supreme Court of India in *Rubi Chandra Dutta v. United India Insurance Co.Ltd.*, (2011) 11 SCC 269, held that the National forum could not find any infirmity or material irregularity or jurisdictional error in the order of the State Commission. Further it is



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stated that both the fora, namely, District Consumer Forum and State

Consumer Forum have given well reasoned orders.

5. The learned counsel for petitioner would submit that the National Commission has not appreciated the grounds raised relating to the facts. Therefore the present writ petition is to be considered.

6. Section 58(1)(b) of the Consumer Protection Act, 2019 reads as under:-

“58(1)(b). to call for the records and pass appropriate orders in any consumer dispute which is pending before or has been decided by any State Commission where it appears to the National Commission that such State Commission has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested, or has acted in the exercise of its jurisdiction illegally or with material irregularity.”

7. The scope of revision under Section 58 has been explicitly contemplated under the said provision. Accordingly, if the State



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Commission has exercised a jurisdiction not vested in it by law or has failed to exercise a jurisdiction so vested or has acted in the exercise of its jurisdiction illegally or with material irregularity, the National Commission may intervene and pass appropriate orders in any consumer dispute. When the scope of revision petition has been expressly stipulated under Section 58(1)(b) of the Consumer Protection Act, the grounds raised by the writ petitioner before this Court that the National Commission has erred in not appreciating the facts, deserves no merit consideration.

8. This Court has perused the grounds raised before the National Commission as well as the findings made in the context of Section 58(1)(b) of the Consumer Protection Act. Since both the fora, namely, District Consumer Forum and State Consumer Forum adjudicated the facts in detail and made their findings, further adjudication on facts may not be required.

9. The power of judicial review of the High Court under Article 226 of the Constitution of India is to ensure the processes through which the decision has been taken by the competent authorities/forum in consonance



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with the statutes and rules in force, but not the decision itself. Thus the scope of judicial review need not be expanded when two fora have elaborately adjudicated the facts and recorded their findings. Thus we do not find any infirmity in respect of the order impugned passed by the National Consumer Disputes Redressal Commission, which is in consonance with Section 58(1)(b) of the Consumer Protection Act.

10. For the reasons aforesaid, the writ petition stands dismissed. No costs.

Index : yes
Neutral citation : yes

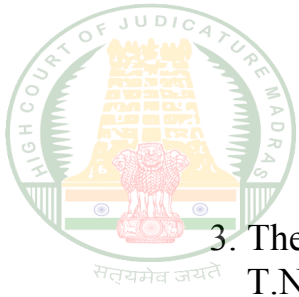
(S.M.S.,J.) (K.R.S.,J.)
20.03.2025

ss

To

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