



TAMIL NADU ELECTRICITY OMBUDSMAN

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BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI

Present : Thiru. A. Dharmaraj, Electricity Ombudsman

Appeal Petition No.55 of 2015

M/s Scientific Publishing Service (P) Ltd
6th & 7th Street,
Dr. Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.

. Appellant
(Thiru. N. L Rajah, Advocate)

Vs

1) Consumer Grievance Redressal Forum,
Rep by its Superintending Engineer,
Chennai Electricity Distribution Circle/Central,
TANGEDCO (formerly TNEB),
110/33/11 KV Valluvarkottam SS campus,
Nungambakkam, Chennai – 600 034.

2) The Executive Engineer/O&M,
Mylapore ,
Chennai Electricity Distribution Circle/Central,
TANGEDCO (formerly TNEB),
110/33/11 KV Valluvarkottam SS campus,
Nungambakkam, Chennai – 600 034.

. Respondents
(Thiru. C. Jayachandran, EE/O&M/Mylapore)

Date of Order : 17.11.2015

1. The Appeal Petition dt.8.7.2015 filed by M/s Scientific Publishing Service (P) Ltd., Mylapore, Chennai – 4 was registered as Appeal Petition No. 55 of 2015.
2. In the Appeal Petition, the Appellant prayed to allow the appeal and set aside the letter of second respondent bearing No.Lr.No.EE/O&M/Myl/RB/F.BOAB-Audit –Tariff Re/D226/015, dt.8.06.2015.
3. A copy of the above appeal petition was forwarded to the Respondents for furnishing the counter vide letter dt.8.7.2015.
4. The Second Respondent (viz) the Executive Engineer/O&M/Mylapore has furnished his counter on 3.9.2015.
5. To enable the Appellant and the Respondent to putforth their arguments in person, a hearing was scheduled on 23.9.2015. As prayed by the Appellant's advocate on the hearing date the said hearing was adjourned and posted for hearing on 6.11.2015. The Appellant has furnished a copy of Affidavit filed in respect of W.P.No.23742 of 2015 and W.P.No.21478 of 2015 on the above date.
6. Thiru. N.L. Rajah, Advocate has represented the Appellant on the hearing conducted on 6.11.2015 and putforth his arguments.
7. Thiru. C. Jayachandran, Executive Engineer/O&M/Mylapore the Respondent-2 herein has attended the hearing on 6.11.2015. He also informed that W.P.No.23742 of 2015 and W.P.No.21478 to 21481 of 2015 are pending in the Hon'ble High Court of Madras.

8. Thiru. N.L. Rajah, Advocate informed that cases in W.P.No.23742 of 2015 & W.P.No.21478 to 21481 of 2015 are still pending in the Hon'ble High Court of Judicature at Madras and there are interim stay orders in W.P.No.21478 to 21481.

9. As there are cases pending in the Hon'ble High Court of Madras, I would like to refer regulation 17(4) of the Regulations for CGRF and Electricity Ombudsman which is extracted below :

17(1) xxxx xxx xxx

(2) xxxx xxx xxx

(3) xxxx xxx xxx

(4) *No complaint to Electricity Ombudsman shall lie unless ;*

(a) the complainant before making a complaint to the Electricity Ombudsman shall made a written representation to the forum of the licensee named in the complaint and either the forum has rejected the complaint or the complainant had not received any reply within a period of fifty days from date of filing of the grievance or the complainant is not satisfied with the reply given by the forum.

(b) The complaint is made within three months after cause of action has arisen.

(c) The complaint, which is not settled, is not in respect of the same subject, which was settled through the office of the Electricity Ombudsman in any previous proceedings whether received from the same complainant or along with one or more complainants or anyone or more of the parties concerned with the subject matter;

(d) The complaint does not pertain to the same subject matter for which any proceedings before any court is pending or a decree or award or a final order has already been passed by any competent court; and

(e) The complaint is not frivolous or vexatious in nature.

10. On a careful reading of the said regulation 17(4)(d), it is noted that Electricity Ombudsman cannot entertain a petition if any proceeding before any court is pending or

decree or award or final order has already been passed by the competent court on the same subject matter.

11. On a careful reading of the prayer of the W.P.No.23742 of 2015 pending before the Hon'ble High Court of Madras and the prayer of given in A.P.No.55 of 2015 pending before the Electricity Ombudsman, I find both are the same. The prayer in W.P.No.23742 of 2015 and A.P.No.55 of 2015 are extracted below :

"Prayer in W.P.No.23742 of 2015 :

In the above facts are circumstances, it is therefore most respectfully prayed that this Hon'ble Court may be pleased to issue a WRIT OF CERTIORARI or any other appropriate Writ, Order or Direction in the nature of a Writ calling for the records of the 2nd Respondent culminating in his impugned communication bearing Lr.No.EE/O&M/Myl/RB/F.BOAB Audit Tariff Re/D.226/015, dated 8.06.2015 issued to the Petitioner, quash the same and pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

Prayer in A.P.No.55 of 2015 :

Under the above circumstances it is prayed that Hon'ble Ombudsman may be pleased to allow the appeal and set aside the letter of the 2nd Respondent bearing No. Lr.No.EE/O&M/Myl/RB/F.BOABAudit Tariff Re/D.226/015, dated 8.06.2015 and pass such further or other orders as this Hon'ble forum may deem fit and proper and thus render justice."

12. As the same prayer of this appeal petition to set aside the letter of second respondent bearing No. Lr.No.EE/O&M/Myl/RB/F.BOABAudit Tariff Re/D.226/015, dated 8.06.2015 is pending before the Hon'ble High Court of Judicature at Madras in

W.P.No.23742 of 2015, the matter is sub-judice and the Electricity Ombudsman cannot entertain the above petition for passing any order as per regulation 17(4)(d) of the Regulations for CGRF and Electricity Ombudsman. Hence, the above appeal petition No.55 of 2015 is treated as closed. No Costs.

(A. Dharmaraj)
Electricity Ombudsman

To

1) M/s Scientific Publishers Service (P) Ltd
6th & 7th Street,
Dr. Radhakrishnan Salai,
Mylapore, Chennai – 600 004.

2) The Chairman,
(Superintending Engineer),
Consumer Grievance Redressal Forum,
Chennai Electricity Distribution Circle/Central,
TANGEDCO (formerly TNEB),
110/33/11 KV Valluvarkottam SS campus,
Nungambakkam, Chennai – 600 034.

3) The Executive Engineer/O&M,
Mylapore ,
Chennai Electricity Distribution Circle/Central,
TANGEDCO (formerly TNEB),
110/33/11 KV Valluvarkottam SS campus,
Nungambakkam, Chennai – 600 034.

4) The Chairman & Managing Director,
TANGEDCO,
NPKRR Maaligai,
144, Anna Salai, Chennai – 600 002.

5) The Secretary,
Tamil Nadu Electricity Regulatory Commission,
No.19A, Rukmini Lakshmiipathy Salai,
Egmore, Chennai – 600 008.

6) The Assistant Director (Computer) - **FOR HOSTING IN THE TNEO WEBSITE PLEASE**
Tamil Nadu Electricity Regulatory Commission,
No.19-A, Rukmini Lakshmiipathy Salai,
Egmore,
Chennai – 600 008.