

**Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)**

DFR No. 223 of 2011

Dated 24th May, 2011

**Present : Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. V.J. Talwar, Technical Member**

In the matter of:

**Federation of Consumer & Service Organisation,
Tiruchirapalli (Tamil Nadu)**

Counsel for the Applicant (s) : Mr. S. Nanda Kumar & Ms. Seema Singh

Mr. S. Vallinayagam (Amicus Curiae)

ORDER

We have heard the learned counsel for the Federation and the learned Amicus Curiae counsel.

There is no dispute in the fact that the very same issue had been raised before the Ombudsman, which had already been decided by the Ombudsman and thereupon the same was challenged before the High Court in a Writ Petition, and during the pendency of the writ proceedings before the High Court, the aggrieved party itself paid the amount on demand to the Respondent and withdrew the Writ Petition. Thus the dispute is resolved. Despite this, this Petition has been sent by the Federation to the Tribunal seeking for the various directions to the Respondent raising the very same issue.

If the party concerned has got a grievance over the demand or the alleged unlawful payment, it is for the said party to pursue the

matter before the High Court, which has been done in this case by filing the writ petition. It is noticed that the said writ petition has been withdrawn by the aggrieved party itself. Despite the withdrawal of the said Writ Petition, the Federation on behalf of the said party has sent their representation to this Tribunal praying for proper action to be taken against the Electricity Board for the alleged unlawful demand and for the refund of the amount. This is not a proper approach.

Since it was felt that the Federation took up the cause on behalf of the individual, we took up the matter *suo moto* and issued notices to the concerned. Now it is found out as pointed out by the Amicus Curiae counsel that issue does not survive in view of the withdrawal of the writ petition.

Under those circumstances, we do not find any ground to entertain this representation sent by the Federation. Therefore, the petition sent by the Federation is rejected and the *suo moto* proceedings are dropped.

We record our appreciation over the service rendered by the learned Amicus Curiae counsel Mr. S. Vallinayagam.

(V. J. Talwar)
Technical Member
TS/KS

(Justice M. Karpaga Vinayagam)
Chairperson