

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.2663 of 2015 &
M.P.Nos. 1 & 2 of 2015

Baynes Memorial Baptist Church
Matriculation Higher Secondary School,
Rep. By its Bishop & Chairman,
R.T.Rev.Dr.Jal Baynes,
No.188 Baptist Avenue,
Jaladianpet, Medavakkam Post
Chennai - 600 100.

.. Petitioner

v.

- 1 The Chairman
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai 600 002
- 2 The Assistant Engineer,
(Operation and Maintenance) Tamilnadu
Electricity Board Extension (South)
Pallikaranai Division, Chennai 600 100

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relevant to the order in Ka. No.Uo.Mi.Po/E & Pa/Pallikaranai/Ko.Thani/A.No. / 14, dated 20.12.2014 passed by the 2nd respondent and quash the same as improper, illegal, unreasonable, against the natural justice and thereby direct the respondents to restore the Electricity service connection No.312-015-246 by receiving true and correct consumption charges towards the same immediately.

For Petitioner : Mr.M.V.Mualidaran

For Respondents : Mr.P.Gunaraj
Standing Counsel - for TNEB

ORDER

The above writ petition has been filed by the petitioner to issue a writ of certiorari to call for the records relating to the order dated 20.12.2014 passed by the second respondent, to quash the same and to direct the respondents to restore the electricity service connection by receiving true and correct consumption charges.

2. It is the case of the petitioner that he availed service connection for its minority educational service institution and since then regularly paying the monthly consumption charges. According to the petitioner, the second respondent erroneously passed the present impugned order directing the petitioner to pay a sum of Rs.2,21,979/- as consumption charges. Since the petitioner failed to pay the consumption charges of Rs.2,21,979/-, the respondents also disconnected the service connection. Challenging the levy of Rs.2,21,979/- as consumption charges, the petitioner has filed the above writ petition.

3. It is settled position that in case of any defect in the meter, the petitioner's school is at liberty to give a complaint to the respondents, which was also duly given by the petitioner on 22.11.2014. Thereafter, the respondents also inspected the meter on 18.12.2014, after giving notice to the petitioner's school. Thereafter, they fixed the consumption charges at Rs.2,21,979/-. In the case of any defect in calculating the consumption charges, the remedy open to the petitioner is to file an appeal before the authorities.

4. In the case on hand, the petitioner has not filed any appeal against the charges fixed by the respondents towards the consumption charges.

5. In these circumstances, the writ petition filed by the petitioner without exhausting the appeal remedy is liable to be dismissed. Accordingly, the writ petition is dismissed. In the case of petitioner paying the consumption charges, the respondents shall restore the service connection forthwith. Consequently, connected miscellaneous petitions are closed. However, there shall be no order as to costs.

Rj

-s/d-

Assistant Registrar(CO)

Dt:12/2/2015

True Copy

Sub-Assistant Registrar

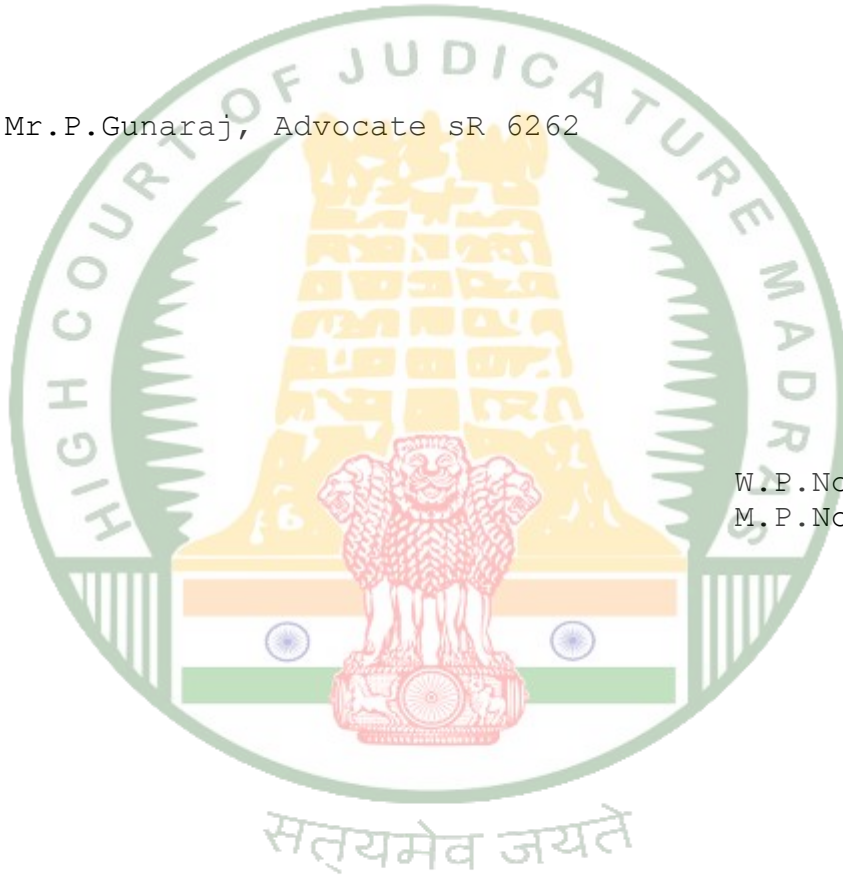
To

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- 2 The Assistant Engineer,
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Pallikaranai Division, Chennai 600 100

+ 1 cc to Mr.P.Gunaraj, Advocate sR 6262

vgi(co)

prk13/2



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