

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.33425 of 2015 &

M.P.No. 1 of 2015

K.Sumathi

[PETITIONER]

Vs

- 1 Tamil Nadu Electricity
Generation & Distribution Corporation
rep. by its Chairman & Managing Director
No.144, Anna Salai Chennai-600 002.
- 2 The superintending Engineer, TANGEDCO
Mettur Town Distribution Circle
Opposite Tansi Office,
Metturdam-636401.
- 3 The Executive Engineer, TANGEDCO
Mettur Town Distribution Circle
Opposite Tansi Office,
Metturdam-636401.
- 4 The Assistant Executive Engineer, TANGEDCO
Mettur Town Distribution
Circle Next to Mettur Court,
Mettur Dam-636401.
- 5 The Assistant Engineer
(Operations and Maintenance) TANGEDCO
Mettur Town Distribution Circle
Next to Mettur court
Mettur Dam-636 401.
- 6 The Revenue Supervisor
Mettur Town Distribution Circle
Next to Mettur court, Mettur Dam-636 401.

- 7 The Inspector of Assessment (IA)
TANGEDCO, Mettur Town Distribution Circle
Next to Mettur court,
Mettur Dam-636 401.
- 8 The Lineman/Foreman TANGEDCO
Staff Quarters Church Gate Main Road
O/o.Assistant Engineer (O&M)
Mettur Town Distribution Circle
Next to Mettur court Mettur Dam- 636 401.

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus directing the respondents 5 to 7 to accept the payment of the running months electricity bill of Rs.820/- towards the electricity consumption Charges without imposing any penalty even for penalty of reconnection charges and consequently direct respondents 1 to 4 to take action against the respondents 5 to 8 for preventing the petitioner from making the payment of running months electricity bill for illegally removing the fuse from the petitioners Quarters No.2F-41A church Gate Main Road Mettur Dam-636 401 Salem District.

For Petitioners : Mr.K.Premkumar

For Respondents : Mr.S.K.Rameshwar

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Mr.K.Premkumar, learned Counsel appearing for the petitioner and Mr.S.K.Rameshwar, learned learned counsel appearing for respondents.

3.The petitioner who is the Assistant Engineer/Technical of the respondent Corporation has been compelled to approach this Court on account of she being arbitrarily dealt with by the officials of the Board with regard to the current consumption charges which has been demanded from her in respect of the Quarter allotted to her, though not befitting her official status.

4. At the time when the writ petition was entertained, a detailed interim order was passed on 16.10.2015, pursuant to which the electricity connection has been restored. However, the fact remains that the petitioner has been transferred from Metur Dam and now posted to Erode. Thus, the issue involved in this Writ Petition has virtually become academic. However, the petitioner has been faced with the demand punishment of additional electricity consumption charges being a sum of Rs.3,957/- payable from August 2014 to April 2015, apart from the demand for reconnection charges.

5. It is not in dispute that the petitioner has paid the amount which has been demanded, but the additional amount which is now sought to be recovered is stated to be based on some mistake or wrong application of tariff. If such is the case, this Court fails to understand that how the disconnection could take place especially when the petitioner has been given the details of alleged short fall only on 24.7.2015 that to with retrospective effect.

6. Be that as it may, the petitioner being an obedient employee of the respondent Corporation, without prejudice to her right, is willing to deposit the entire amount of Rs.3,957/- and work out her remedies in accordance with the procedure under the Tamil Nadu Electricity Supply Code, 2004. The petitioner is aggrieved by the action of the respondent Board in demanding re-connection charges.

7. After hearing the learned counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the Board and perusing the materials placed on record and going through the interim order passed by this Court dated 16.10.2015, this Court is of the view that the demand for reconnection charges is unwarranted. As observed earlier, the petitioner had been paying the consumption charges from August 2014 to April 2015. The amount of Rs.3,957/- is the additional amount, which is now sought to be claimed from the petitioner. Since the petitioner is ready and willing to deposit the entire amount without prejudice to her rights and work out her remedies under the provisions of Civil Code, this Court is of the view that demand of re-connection charges has to be held not recoverable from petitioner and cannot be demanded from the petitioner.

8. In the light of the above, as agreed to by the petitioner, the petitioner is directed to deposit the amount of Rs.3,957/- before the fifth respondent, within a period of six weeks from the date of receipt of a copy of this order. On such deposit being made, the petitioner without prejudice to her rights to question such levy, would be entitled to approach the Consumer Grievance Redressal Forum, as constituted under Clause 18 of Tamil Nadu Electricity Supply Code 2004 and if the petitioner approaches the said forum, her complaint shall be dealt with in accordance with law.

The Writ Petition is disposed of accordingly. No costs.
Consequently, connected Miscellaneous Petition is closed.

rpa

Sd/-
Assistant Registrar (Judicial)

/TRUE COPY/

Sub-Assistant Registrar

To

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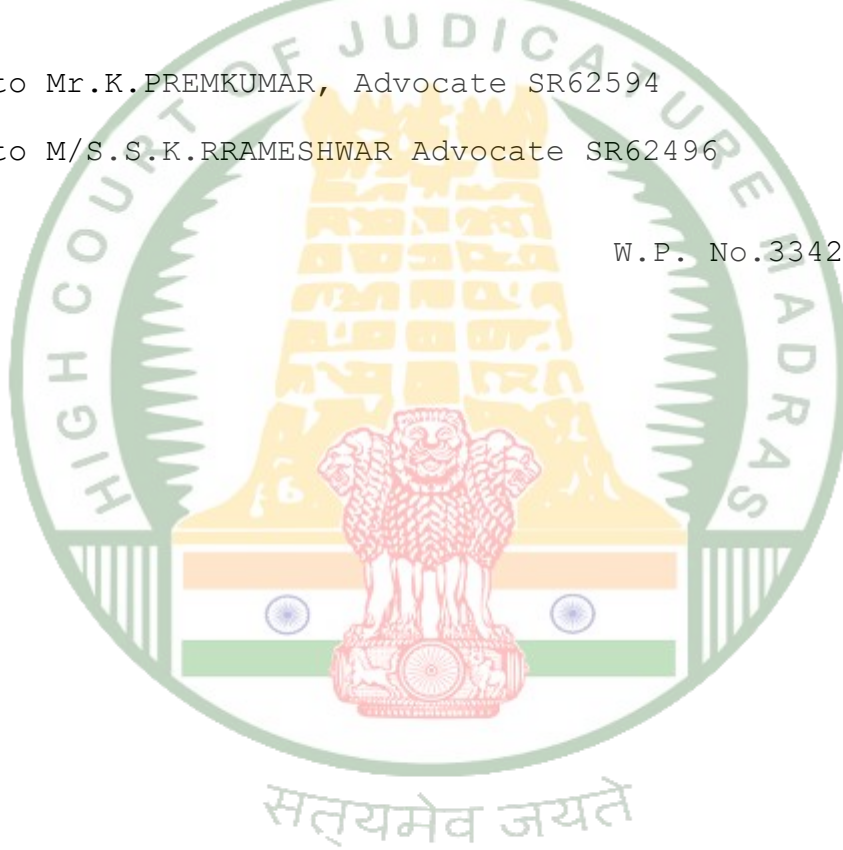
+1CC to Mr.K.PREMKUMAR, Advocate SR62594

+1CC to M/S.S.K.RRAMESHWAR Advocate SR62496

W.P. No.33425 of 2015

VD (CO)

SD 31/12/2015



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