



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2015

CORAM:

THE HONOURABLE Mr.JUSTICE R.SUBBIAH

W.P. (MD) No.14611 of 2015

and M.P. (MD) Nos.1 and 2 of 2015

Rajeshwari

... Petitioner

Vs.

The Assistant Accounts Officer,
Revenue Branch,
TANGEDCO Ltd.,
(Tamil Nadu Electricity Board),
Thiruppathur,
Sivagangai District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the respondent in his proceedings Ka.No.U.Ka.A/Va.Pi/Thiru/Ka.Me.1/Ko.Ayvu/A.No.217/15, dated 10.07.2015 and quash the same and consequently, directing the respondent to fix the accurate electricity bill amount on petitioner's electricity connection ie., 478 013 212 Sevvur Distribution, North Thiruppathur, Sivagangai District.

For Petitioner : Mr.P.Venkata Subramanian
For Respondent : Mr.S.M.S.Jonny Basha

ORDER

This Writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the respondent vide proceedings Ka.No.U.Ka.A/Va.Pi/Thiru/Ka.Me.1/Ko.Ayvu/A.No.217/15, dated 10.07.2015, quash the same and consequently, direct the respondent to fix the accurate electricity bill amount on petitioner's electricity connection ie., 478 013 212 Sevvur Distribution, North Thiruppathur, Sivagangai District.

2.The case of the petitioner is that the petitioner is running a stone crusher unit and he obtained electricity connection from the respondent for the said unit and also licence from the concerned authority for running the crusher unit. In the year 2013, the electricity meter, which has been fixed in the crusher unit, was not working properly. Immediately, the petitioner informed the same to the respondent and accordingly, a new electricity meter has been fixed in the crusher unit. In the year 2014, once again the electricity meter was not working properly. Based on the complaint of the petitioner, the respondent has fixed



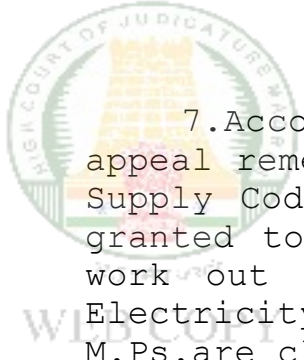
a new electricity meter.

3. The grievance of the petitioner is that the respondent vide proceedings in Ka.No.U.Ka.A/Va.Pi/Thiru/Ka.Me./Ko.Ayvu/A.No.164/15, dated 12.06.2015 directed the petitioner to pay a sum of Rs.3,03,501/- as average electricity reading amount within 30 days otherwise the said amount will be collected with the monthly bill. Thereafter, the petitioner made a representation dated 27.06.2015 before the respondent requesting to conduct enquiry and cancel the above said bill amount. The respondent vide proceedings in Ka.No.U.Ka.A/Va.Pi/Thiru/Ka.Me.1/Ko.Ayvu/A.No.217/15, dated 10.07.2015 reduced the above said amount and directed the petitioner to pay a sum of Rs.1,87,795/- within 30 days. Challenging the same, the petitioner is before this Court with the present Writ petition.

4. The respondent in his counter affidavit stated that as per Regulation 11 of the Tamil Nadu Electricity Supply Code, 2004, when the meter is found defective, the average of electricity supplied during the preceding 4 months or the later 4 months, ought to be taken, after the new meter is installed, while arriving at the average consumption of electricity. Therefore, the meter reading of 4 months ie., May 2014 to July 2014 have been taken and the average amount was calculated. It is submitted that the Audit Officials of the Board have directed to collect the shortfall amount from the petitioner through a letter dated 20.02.2013. The defective meter has also been sent to Meter Relay Test and found that the meter is defective and one phase was not functioning from 03/2013 to 05/2014. It is also stated by the respondent in the counter affidavit that if the petitioner is aggrieved by the electricity bill, he has to approach the next higher authority under Regulation 11(7) of the Tamil Nadu Electricity Supply Code by filing an appeal and the petitioner has to file a petition before Consumer Grievance Redressal Forum and an appeal to the Electricity Ombudsman.

5. Heard the learned counsel appearing for the petitioner as well as the learned standing counsel appearing for the respondent.

6. Admittedly the electricity meter fixed in the petitioner's unit was found defective and after the complaint by the petitioner, the same has been replaced. Thereafter, the respondent issued the impugned proceedings dated 12.06.2015 by calculating average reading during the specified period. Originally, a sum of Rs.3,03,501/- has been demanded by the respondent and thereafter, by another proceedings dated 10.07.2015, the amount has been reduced to a sum of Rs.1,87,795/-. It is seen that there is an appeal remedy available to the petitioner under Regulation 11(7) of the Tamil Nadu Electricity Supply Code. Therefore, this Court cannot conduct a roving enquiry with regard to the disputed question of fact.



7. Accordingly, the Writ petition is dismissed as there is an appeal remedy under Regulation 11(7) of the Tamil Nadu Electricity Supply Code is available to the petitioner. However, liberty is granted to the petitioner to approach the appellate authority to work out his remedy under Regulation 11(7) of the Tamil Nadu Electricity Supply Code. No costs. Consequently, connected M.Ps. are closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar /

To
The Assistant Accounts Officer,
Revenue Branch, TANGEDCO Ltd.,
(Tamil Nadu Electricity Board), Thiruppathur, Sivagangai
District.

Note: Issue copy on 28.08.2015

+1cc Mr. P. Venkata Subramanian, Advocate Sr.No. 48785

JAM/GSV-PM/SAR-J/28.8.15/3P-3C

W.P. (MD) No. 14611 of 2015
20.8.2015