



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.11.2015
CORAM
THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

WEB COPY

W.P(MD).No.7756 of 2013 and
M.P(MD).No.1 of 2013

U. Saralkani Ammal

... Petitioner

Vs.

1.The Superintending Engineer,
Distribution,
TANGEDCO, Thiruchendur.

2. The Assistant Executive Engineer,
TANGEDCO, Arumuganeri - 628 229

3. The Assistant Engineer,
TANGEDCO, Arumuganeri- 628 202

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarifi calling for the records of the third respondent in க,எண்.உ.மி.பொ/வி/ஆநேரி/கோ.வ.பி/அ.எண்.1027/13 நாள் 11.02.2013 confirmed by the second respondent's order in க,எண்.உ.செ.பொ./வி/ஆநேரி/வ,க/கோ.மி.இ.எண்.365-016-415 ஆருமுகனேரி பிரிவ /அ.எண்.312-13, நாள் 20.03.2013 and order of the first respondent in க,எண்.செ.பொ/வி/தி/உ,க,அ./வ,பி-க.மே.1/-கோ-தணிக் கை//அ.எண்.1428-13, நாள் 20.04.2013 quash the same.

For Petitioner ... Mr.V. Perumal

For respondents ... Mr. A.V. Ramanathan

Standing Counsel for TNEB

ORDER

The Writ Petition has been filed praying to call for the records of the third respondent in க,எண்.உ.மி.பொ/வி/ஆநேரி/கோ.வ.பி/அ.எண்.1027/13 நாள் 11.02.2013 confirmed by the second respondent's order in க,எண்.உ.செ.பொ./வி/ஆநேரி/வ,க/கோ.மி.இ.எண்.365-016-415 ஆருமுகனேரி பிரிவ /அ.எண்.312-13, நாள் 20.03.2013 and order of the first respondent in க,எண்.செ.பொ/வி/தி/உ,க,அ./வ,பி-க.மே.1/-கோ-தணிக் கை//அ.எண்.1428-13, நாள் 20.04.2013 quash the same.

2. The petitioner was given electricity supply in Service Connection No.365-016-415 on 30.10.2010. The meter was running properly up to July 2011. Later, it was found that the meter was not properly working. Based on the petitioner's complaint, the meter was replaced on 24.11.2011. Subsequently, a new meter was



installed and based on the four months average consumption charges, the petitioner was levied charges for the period of August 2011 to November 2011. When things stand so, the impugned order has been served upon the petitioner contending that the petitioner is liable to pay a sum of Rs.1,22,397/- for the defective period. The said order is being challenged before this Court.

3. Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondent.

4. A perusal of the records would show that there is no dispute with regard to running of the meter from October 2010 to July 2011. It is admitted in the impugned order itself that the meter was properly working in the aforesaid period and the new meter was installed on 24.11.2011. Based on four months average consumption charges, petitioner was directed to pay the monthly charges for the aforesaid period viz., August 2010 to July 2011. The above position would reflect that everything has been made alright. However, the impugned order has been issued demanding Rs.1,22,397/- again calculating the charges right from October 2010. The impugned order is against the admitted position and admission made by the respondent himself in the impugned order.

5. Though it is pointed out that based on the objection only the petitioner has been asked to pay a sum of Rs.1,22,397/-, based on new meter reading. If the respondent has got any cause against the petitioner, it is open to the respondent to take appropriate proceedings against the petitioner. However, the liability cannot be fastened against the petitioner, calling upon the petitioner to pay a sum of Rs.1,22,397/-, for the period for which, there is no dispute even as per the impugned order. Therefore, the portion of the impugned order which demands a sum of Rs.1,22,397/- is partly quashed.

6. Accordingly, the Writ Petition is partly allowed. It is also submitted that the 50% of the amount has already been deposited by the petitioner and therefore, the said amount is directed to be adjusted either for a current consumption or any other demand to be made in future. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

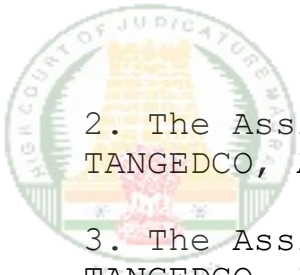
/True copy/

Sub Assistant Registrar

To

1.The Superintending Engineer,
Distribution,

<https://hcmisecourt.gov.in> Thiruvananthapuram.



2. The Assistant Executive Engineer,
TANGEDCO, Arumuganeri - 628 229

3. The Assistant Engineer,
TANGEDCO, Arumuganeri- 628 202

WEB COPY

+one cc to M/s.A.V.Ramanathan, Advocate in SR.NO.67862/15

+one cc to M/s.V.Perumal, Advocate in SR.No.67482/15

trp

CSL/GSV-AN/22.12.2015

3p/6c

W.P (MD) .No.7756 of 2013 and
M.P (MD) .No.1 of 2013
25.11.2015