

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-06-2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.28234 of 2015

and

M.P No.1 of 2015

David Maharaja

...Petitioner

Vs.

1.The Superintendent Engineer,
Tamilnadu Electricity Board (South),
Tata Bad, Coimbatore.

2.The Assistant Engineer,
Tamilnadu Generation and Distribution
Corporation Limited,
Coimbatore Distribution (south)
Neelambur, Coimbatore - 641 406.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent to restore the electricity connection in 270-001-2780 attached to the property situated at Door No.1/178A, Opposite to Maharaja Water Theme Park in Avinashi Road, Neelambur, Coimbatore District which was disconnected on 30.08.2015 and to rectify the meter and to evaluate and calculate the correct consumption of electricity in connection No.270-001-2780.

For Petitioner : Mr.C.Mohanraj for
Mr.S.Ramesh

For Respondents : Mr.S.K.Rameshuwar for TNEB

O R D E R

The petitioner has obtained Electricity Service connection bearing No.290-001-2780 on 28.03.2014, for a load of 30 KW to a borewell under commercial tariff for carrying out the business of selling RO water (mineral water) with provision of static meter of capacity 10 - 60 amps. On 27.05.2015, a fuse of call (FOC) was received from the petitioner and immediately the same was attended by the field staff. At that time, it was found that Y phase voltage is missing, i.e not recorded in the meter. Therefore, the Assistant Engineer, TANGEDCO inspected and

confirmed about non-recording of Y phase voltage in the meter. The defective meter was sent to MRT Lab, South Coimbatore for testing by replacing the same with a new meter on 28.05.2015. As per the MRT report, Y phase voltage was not recorded in the meter from 28.03.2014 to 28.05.2015, compelling the respondent to make a demand for unbilled 38361 units for Y phase missing period from the petitioner. In this regard, a notice was issued to the petitioner on 09.07.2015 demanding payment of Rs.2,99,150/- towards additional CC charges for the Y phase unrecorded period.

2. Aggrieved by the demand, the petitioner, through "Coimbatore consumer voice" approached the Superintending Engineer, Coimbatore Electricity Distribution Circle (south), Coimbatore, 1st respondent herein and requested for MRT report and indepth investigation in the matter. By reply dated 05.08.2015, the 1st respondent confirmed the meter defect and unbilled units, i.e 38361 units and revised the amount to Rs.2,94,603/- instead of Rs.2,99,150/-. A revised notice was issued by the Assistant Engineer, Neelambur on 13.08.2015 based on the order of the 1st respondent. Since no amount was paid by the petitioner, the electricity service connection was disconnected by the respondent, which compelled the petitioner to approach this Court by way of this writ petition seeking for restoration of electricity service connection.

3. This Court, vide interim order dated 08.09.2015, directed the petitioner to pay a sum of Rs.50,000/- to the second respondent, as pre-condition for restoration of electricity service connection and the same was paid and re-connection was also effected on 08.09.2015 itself.

4. Heard Mr.C.Mohan Raj, learned counsel appearing for the petitioner and Mr.S.K.Rameshuwar, learned counsel appearing for the respondent.

5. It is seen from the clause that as per Section 11 (7) of the Tamil Nadu Electricity Supply Code, 2004, if there is any grievance with regard to the assessment made by the lower officer, the matter has to be brought before the next higher level officer. Even then, if the consumer is not still satisfied, the consumer is at liberty to approach the respective Consumer Redressal Grievance Forum (CRGF) as per Clause 18 of the Tamil Nadu Electricity Supply Code, 2004. In the case on hand, the petitioner was originally not satisfied with the demand notice dated 09.07.2015 issued by the respondent and therefore he approached the Superintending Engineer, Coimbatore Electricity Distribution Circle (South) who revised the bill amount as Rs.2,94,603/- instead of Rs.2,99,150/-. It seems that the petitioner had not paid the amount, resulting in disconnection of electricity service. Since as per Clause 11

(7) of the Tamil Nadu Electricity Supply Code, 2004, if the petitioner is not satisfied with the decision of the Superintending Engineer, the only course available to him is, to approach the respective Consumer Grievance Redressal Forum, constituted under the Act.

6. Taking into consideration the fact that the petitioner had already deposited a sum of Rs.50,000/- with the second respondent, he is directed to deposit a further sum of Rs.1,00,000/- (Rupees One lakh only) with the second respondent, within a period of four (4) weeks from the date of receipt of a copy of this order and thereafter, approach the CGRF by filing a petition against the decision of the Superintending Engineer. On filing of such petition by the petitioner, the CGRF is directed to dispose of the same, within a period of eight (8) weeks from the date of filing of the petition. It is made clear that the petitioner shall not approach the CGRF without making the payment of Rs.1,00,000/- with the second respondent, as ordered by this Court.

7. The writ petition is disposed of with the above observation and direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent Engineer,
Tamilnadu Electricity Board (South),
Tata Bad, Coimbatore.

2.The Assistant Engineer,
Tamilnadu Generation and Distribution
Corporation Limited,
Coimbatore Distribution (south)
Neelambur, Coimbatore - 641 406.

+1cc to M/s. S. Ramesh, Advocate, S.R.No.36462

MP(CO)
EU(18/07/2016)

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