

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2016

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 20397 of 2016

&

W.M.P. Nos. 17497 to 17499 of 2016

M/s. Precision machine and Auto Components

(P) Ltd.,

rep. by its Managing Director,

131, Industrial Estate,

Perungudi,

Chennai 600 096.

...Petitioner

Vs.

1. The Chairman,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
144, Anna Salai,
Chennai 600 002.

2. Assistant Engineer,
O & M/I.E Perungudi,
TANGEDCO/CEDC/South,
K.K. Nagar,
Chennai 600 078.

3. Executive Engineer/MRT
TANGEDCO/CEDC/South
KK Nagar,
Chennai 600 078.

4. Superintending Engineer - II,
CEDC/South, 110 KV KK Nagar,
SS Complex, KK Nagar,
Chennai - 600 078.

...Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorari to call for the records relating to the impugned order dated 02.05.2016 in Lr.No. SE/CEDC/S-II/AEE/G1/CHD/F.WP. No. 9582 of 2016/D.1544/2016 issued by the 4th respondent and quash the same as being arbitrary, illegal and without authority of law and

contrary to the provisions of Electricity Act, 2003.

For Petitioner :: Mr.Rahul Balaji

For Respondents:: Mr.S.K. Raameshuwar

O R D E R

The petitioner is a continuous process industry and one of the leading manufacturers of fabricated and machinated components of various types of industrial valves, earthmoving equipments and general engineering components and due to recession in the market, production got reduced. While so, the officials of the respondent Corporation carried out an inspection on 12.03.2015 and another inspection on 18.03.2015, consequent to which the meter was found to be defective and subsequent to replacement of faulty meter, by communication dated 07.04.2015, the 3rd respondent had directed the 2nd respondent to revise the bill for the defective meter retrospectively from the period from October, 2010 to 18.03.2015 and they took the highest consumption charges, during the five year period, prior to the date of inspection. Based on the same, the petitioner's Company has been slapped with a demand of Rs.11,36,017/- as shortfall for the period from October, 2010 until the date of replacement of faulty meter by the officials of respondent Corporation. Though the petitioner made several representations, there was no response and by communication dated 23.02.2016, the petitioner was once again asked to remit the sum of Rs.11,36,017/-. Questioning the communication issued by the 3rd respondent dated 07.04.2015 and the consequential letters dated 22.04.2015 and 23.02.2016, the petitioner filed W.P. No. 9582 of 2016 stating that no opportunity was given and only demand was made regarding the shortfall. This Court, by order dated 15.03.2016, without setting the impugned proceedings, gave a direction to the Superintending Engineer, CEDC/South/Chennai, Se/South 110 KVSS Complex, K.K. Nagar, Chennai - 78 to consider the petitioners' representations dated 26.11.2015, 19.01.2016 & 17.02.2016, afford an opportunity of personal hearing to the petitioner and thereafter, pass orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. This Court, further observed that till orders are passed by the said authority, the impugned demand shall not be enforced and that the petitioner shall continue to pay the current consumption charges. Thereafter, the present impugned order has been passed.

2. Mr. Rahul Balaji, learned counsel appearing for the petitioner would submit that the respondents have only

reiterated, what was already demanded by them, without assigning proper reasons.

3. However, Mr.S.K. Raameshuwar, learned Standing Counsel appearing for the respondent Corporation would submit that under Regulation 11(7) of Tamil Nadu Electricity Supply Code, 2004, if the meter is found to be defective and the consumer is aggrieved over the demand made towards shortfall, the proper course is to approach the Consumer Grievance Redressal Forum, which would decide the issue under Regulation 18 of the. This case also falls within Regulation 11(7) of the Code and therefore, the petitioner should be directed to approach the Consumer Grievance Redressal Forum under Regulation 18 of the Code.

4. Accordingly, the petitioner is directed to file an appropriate petition before the Consumer Grievance Redressal Forum within a period of four weeks from the date of receipt of a copy of this order. In the meanwhile, as via media, the impugned proceedings shall remain stayed subject to the petitioner depositing a sum of Rs.3,00,000/- (Rupees Three Lakhs only), out of the total demand, without prejudice to his rights, before the 4th respondent, within a period of four weeks from the date of receipt of a copy of this order and the stay granted shall continue till the disposal of the petition to be filed by the petitioner before the Consumer Grievance Redressal Forum and on such a petition being filed by the petitioner, the Consumer Grievance Redressal Forum shall entertain and dispose of the same, in accordance with law, at the earliest. The writ petition is disposed of accordingly. No costs. W.M.P. Nos. 17497 & 17498 of 2016 are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
144, Anna Salai,
Chennai 600 002.

2. Assistant Engineer,
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K.K. Nagar,
Chennai 600 078.
3. The Executive Engineer/MRT
TANGEDCO/CEDC/South,
K.K.Nagar, Chennai 78.
4. Superintending Engineer - II,
CEDC/South, 110 KV KK Nagar,
SS Complex, KK Nagar,
Chennai - 600 078.
5. The Consumer Grievance Redressal Forum,
Chennai 4.

1 cc to Mr.s.K.Rameshuwar, Advocate, sr.33644

1 cc to Mr.Rahul Balaji, Advocate, sr.33518

W.P. No. 20397 of 2016

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kra 13.07.2016



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