

In the High Court of Judicature at Madras

Dated : 05.1.2016

Coram :

The Honourable Mr. Justice T.S. SIVAGNANAM

Writ Petition No.40947 of 2015 and MP.No.1 of 2015

B.Ravikumar

...Petitioner

Vs

1.The Assistant Engineer, Tamil Nadu
Electricity Generation & Distribution
Corporation Ltd. (TANGEDCO),
Semmancherry, Chennai-119.

2.The Secretary to Government,
Electricity Department, Government
of Tamil Nadu, Fort.St.George,
Chennai-9.

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of a Writ of directing the
first respondent to consider the petitioner's representation
dated 18.12.2015 within a time frame.

For Petitioner : Ms.J.Muthuselvi

For Respondent-1&2 : Mr.S.K.Rameshwar

ORDER

Mr.S.K.Rameshwar, learned Standing Counsel takes notice for
the first respondent. Mr.R.Rajeswaran, learned Special
Government Pleader takes notice for the second respondent.

2. The petitioner is running a ladies hostel under the name
and style of M/s.Leela's Nest Ladies Hostel at No.152/2, Nehru
Nagar, Semmanchery, Chennai-119. The petitioner seeks a
direction to the first respondent to consider his representation
dated 18.12.2015. In the said representation, the petitioner has
stated that his average bill for every two months would be in
the range of Rs.10,000/- to Rs.12,000/- whereas in the last
bill, a sum of Rs.1,00,609/- was demanded as consumption charges
in respect of S.C.No. 295/001/1295 and another sum of
Rs.65,362/- in respect of S.C.No.295/ 001/1296. This, according

to the petitioner, is ten times more than the normal value. Therefore, the petitioner requested the first respondent to intervene in the matter and issue a corrected bill. Since the said representation has not yet been considered, the petitioner is before this Court.

3. The learned Standing Counsel appearing for the respondent Board has drawn the attention of this Court to Clause 11 of the Tamil Nadu Electricity Supply Code, 2004, which deals with assessment of billing in cases where there is no meter or meter is defective. Referring to Sub-Clause (7) of Clause 11, it is submitted that in case the consumer/petitioner does not agree with the assessment made by the Engineer or the higher level officer, as the case may be, the matter may be referred to next level officer of the licensee and in case the consumer/petitioner is still not satisfied, he/she may approach the respective Consumer Grievance Redressal Forum of the licensee.

4. It is further pointed out by the learned Standing Counsel for the respondent Board that the representation given by the petitioner is not to the next higher level officer, but to the first respondent, who is the Assessing Officer. Therefore, it is submitted that if the petitioner has any grievance, he has to approach the Assistant Executive Engineer of the area concerned and submit a representation raising objections to the demands.

5. The learned counsel for the petitioner would submit that the petitioner is ready and willing to approach the next higher level officer. But, his only apprehension is that in the interregnum, the electricity supply would be disconnected and if the same is done, the ladies, who are staying in the hostel, totally 70 in number, would be put to great hardship.

6. Considering the submissions on either side and the materials placed on record, the writ petition is disposed of with a direction to the petitioner to submit their objections/representations to the concerned Assistant Executive Engineer within a period of one week from the date of receipt of a copy of this order. On receipt of such representation being made, the concerned Assistant Executive Engineer shall consider the same and pass orders on merits and in accordance with law, taking note of the objections to be given by the petitioner. Such order shall be passed within a period of two weeks from the date, on which, the representation is made. Since the petitioner apprehends that in the interregnum, the electricity supply will be disconnected, there will be an order restraining the first respondent from disconnecting the electricity supply subject to the condition that petitioner shall remit 25% of the demands made in respect of each of the service connections within two

weeks, failing which, the protection order will stand vacated automatically. No costs. Consequently, the above MP is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

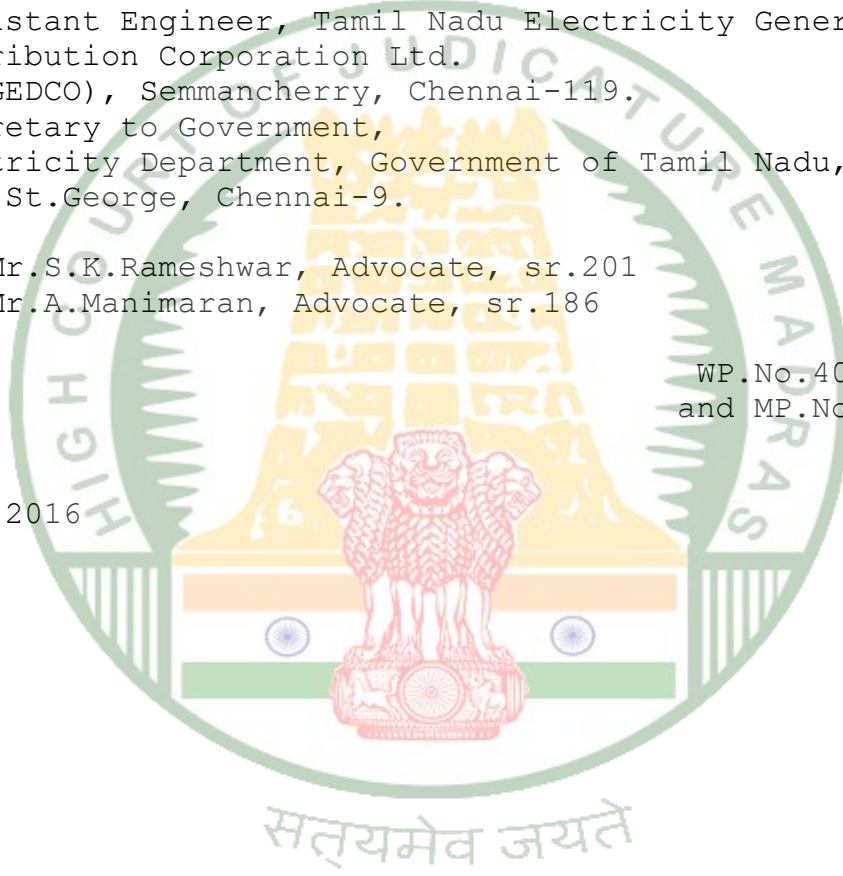
To

- 1.The Assistant Engineer, Tamil Nadu Electricity Generation & Distribution Corporation Ltd.
(TANGEDCO), Semmancherry, Chennai-119.
- 2.The Secretary to Government,
Electricity Department, Government of Tamil Nadu,
Fort.St.George, Chennai-9.

+1 cc to Mr.S.K.Rameshwar, Advocate, sr.201
+1 cc to Mr.A.Manimaran, Advocate, sr.186

WP.No.40947 of 2015
and MP.No.1 of 2015

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