

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No. 754 of 2015

and

M.P. No. 1 of 2015

M. Arumugam

...Petitioner

Vs.

1. The Assistant Accounts Officer (I/c)  
Revenue Division  
Tamil Nadu Electricity Generation  
and Distribution Corporation (TANGEDCO)  
Ponneri - 601 2014.  
Thiruvallur District.
2. The Assistant Engineer (Rural)  
Tamil Nadu Electricity Generation  
and Distribution Corporation (TANGEDCO)  
Gummidipoondi  
Thiruvallur District.
3. The Junior Engineer (O & M)  
Tamil Nadu Electricity Generation  
and Distribution Corporation (TANGEDCO)  
Gummidipoondi  
Thiruvallur District.

...Respondents

This petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned order of the third respondent in Ka. No. E.Po/Town/Gummidipoondi Dn.LTLT/No.112/2015 dated 05.01.2015 and quash the same.

For Petitioner : Mr. P. Manoj Kumar  
For Respondents : Mr. P.R. Dhilip Kumar

O R D E R

Heard Mr.P.Manoj Kumar, the learned counsel for the petitioner and Mr.P.R.Dhilip Kumar, learned Standing Counsel for the Tamil Nadu Electricity Board.

2. The petitioner seeks for quashing the impugned proceedings dated 05.01.2015, in and by which the petitioner has been directed to pay a sum of Rs.1,16,021/- being the dues payable by the petitioner towards the current consumption charges, after giving credit to the average amount paid at the rate of Rs.23,946/-, from June 2013 onwards. The petitioner is running a rice mill for which a service connection has been granted. During June 2013, the petitioner made a complaint that the meter is sluggish and requested for immediate inspection and changing the meter. However, for nearly five months nothing was done and the meter was replaced only on 30.11.2013. In the intervening period i.e. from June 2013 to November 2013, an average rate of Rs.23,946/- has been collected from the petitioner. Now, the impugned demand is towards the alleged differential amount for consumption charges. For arriving at an average consumption, the respondents have taken the average current consumption from August 2012 onwards till November 2013.

3. From the audit slip, it is seen that the units of current consumption varies. In August 2012 the current consumption is 5568 units, in September 2012 it is 4832 units, in October 4424 units, in November 4076 units. However, in December 2012 the consumption is 2136 units and in January 2013 it was 344 units only, in February 2013 the consumption is 4800 units, in March 5764 units and in April 2013 it was 472 units. Therefore, it will not be logical if the authorities had calculated the average consumption of four months preceding May 2013. However, they have chosen to take the average from August 2012 during November 2012. However, there appears to be no justification as to such calculation, since in the counter affidavit it is stated that the computer billing was found to be low comparing to the consumption of highest four consecutive months. The question is, which four consecutive months is to be taken into consideration and this issue has not been decided by the authorities. In terms of Section 11 (7) of the TNERC Supply Code, the matter can be examined by the next higher level officer and thereafter the consumer has got one more remedy before the Consumer Grievance Redressal Forum.

4. In the light of the above, the matter is referred to the Assistant Electrical Engineer, TANGEDCO, to consider the case of the petitioner, for which purpose the petitioner shall submit his representation along with the copy of this order to the Assistant Electrical Engineer of the concerned area, who shall consider the same, examine the aspects as pointed out by this Court in the matter and take a reasoned order, within a period of four weeks from the date of submission of the representation by the petitioner. Till then, the electricity connection should not be disconnected and no further demands should be made, pursuant to the interim order passed on

12.01.2015, subject to the orders passed by the Assistant Electrical Engineer. Consequently, connected miscellaneous petition is closed. No costs.

-s/d-  
Assistant Registrar(CSIII)

True Copy

Sub-Assistant Registrarr

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To

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4. The Assistant Electrical Engineer,  
TANGEDCO  
Gummidipoondi  
Thiruvallur District

+1 cc to Mr.P.R.DiliP Kumar Advocate sr.7455  
+1 cc to Mr.P.ManojKumar Advocate sr.8430

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sns(co)  
aa25/02/2016