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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2016

CORAM :

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO

and

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Petition (MD) No.11620 of 2016

V.Vignesh Raguram

...Petitioner

-Vs-.

1.The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Chennai-9.

2.The Principal Secretary,
Department of Energy,
Secretariat, Government of Tamil Nadu,
Chennai.

3.The Chairman/Secretary,
Tamil Nadu Generation and Distribution Corporation,
No.144, Anna Salai,
Chennai-2.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to introduce a monthly billing facility to the Domestic, Non-Domestic Electricity consumers based on petitioner's representation dated 09.12.2015 and pass further orders as this Court may deem fit and proper.

For Petitioner

:Mr.RM.Arun Swaminathan

For Respondents

:Mr.C.Selvaraj

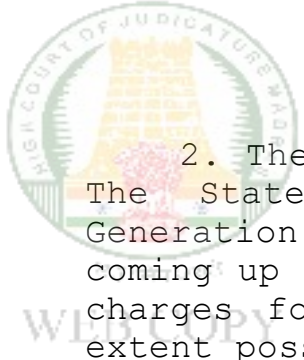
Spl.Govt.Pleader for R1 & R2

:Mrs.S.Srimathy for R3

ORDER

(Order of the Court was delivered
by NOOTY.RAMAMOHANA RAO,J)

This writ petition has been instituted by a consumer of electric energy seeking a Writ of Mandamus directing the respondents to introduce a monthly billing facility to the domestic and non-domestic electric consumers, taking into consideration the representation said to have been submitted by the petitioner on 09.12.2015.



2. The writ petition, in our opinion,, is a misconceived one. The State Government in consultation with the Tamil Nadu Generation and Distribution Corporation (TANGEDCO), has been coming up with schemes duly fixing the slab rates of consumption charges for the electricity energy at reasonable tariff to the extent possible while simultaneously keeping a careful eye on the economic conditions and the financial stability of the Board. Hence, various slabs of tariffs are prescribed. These slabs are designed to encourage people to consume electric energy prudently. Therefore, such of those consumers who consume relatively less electric energy are sought to be rewarded by charging them at proportionately less rate of tariff than those who consume electric energy in more quantity. Further, to regulate easy collection of the charges for consumption of electric energy, the Board has come up with bi-monthly billing facility. Thus, bi-monthly billing facility is also considered appropriate by the Board so as to effectively and productively utilize the scarce human resources available with them. That would help the work relating to billing, collection of the tariff and the accounting work would become more easily accomplished.

3. This apart, by adopting bi-monthly facilities, at best, only six bills will be generated in a year to every consumer and collection of revenue also becomes hassle-free. More importantly, if some of the consumers have not paid up any bill(s), it becomes easier to detect those who committed the default in payment of bi-monthly bills as there will be at best six payments to be made by every consumer per year and imposition on such consumers the penalty becomes consequently easier. Further, in case of collection of bi-monthly bills the consumer can plan his expenditure in such a way, he will have a cushion of one clear month to pay the bills.

4. Therefore, these are all the concerns of the State falling within the policy domain of it and is what best manner the interests of consumers are served, is a matter of policy choice and therefore, we find no legal ground warranting any interference. The policy choice is always left best to a decision maker and the Courts have less expertise to pronounce its opinion on such choices. So long as any such policy does not fall foul of any legally enforceable right of the consumer, the Courts normally adopt a 'hands-off' policy.



5. For the aforementioned reasons, we see no reason to interfere with the bi-monthly system of electric energy consumption tariff collection and consequently, find no difficulty whatsoever in dismissing the writ petition, but however, by taking a lenient view over the consumer, we restrain to impose costs.

Sd/-

Assistant Registrar(CS I)

/True copy/

Sub Assistant Registrar

TO

1.The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Chennai-9.

2.The Principal Secretary,
Department of Energy,
Secretariat, Government of Tamil Nadu,
Chennai.

3.The Chairman/Secretary,
Tamil Nadu Generation and Distribution Corporation,
No.144, Anna Salai,
Chennai-2.

+1cc to Mr.S.M.S.Johnny, Basha, Advocate SR.No.37073

+1cc to Special Government Pleader Sr.No.37249

gsr

sm:SKS-RR:28.07.2016:2P/6C

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