IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 30.01.2017

Pronounced on: 25.04.2017

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.41713 of 2002

M/s. Scientific Packaging Industries,
Plot No.10/6, South Phase,
3rd Main Road, Industrial Estate,
Ambattur, Chennai-58.
(rep.by its General Manager
Prakash Vasudevan) .. Petitioner

Vs.

1.The Superitnending Engineer,
T.N.E.B. (CEDC West),
Thirumangalam S.S.
Anna Nagar, Chennai 600 040.

2. The Accounts Officer,
Revenue/HT/CEDC/West,
33/11 KV, Shanthi Colony SS,
Riverview Colony,
Anna Nagar, Chennai -40. .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying or issuance of Writ of Certiorarified Mandamus to call for the bill No.1672 in respect of the High Tension Service Connection No.1672 dated 31.10.2002 raised by the Second Respondent and quash the demand made in Col.No.14, Viz. "ADD/LESS ADJUSTMENT CHARGES" amounting to Rs.1,40,604/- and consequently direct the respondents herein to adjust the said amount against the future bills to be raised by the second respondent against the petitioner.

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For Petitioner : Mr. B. Jagannath

For Mr.A.Jenasenan

For Respondents : Mr. P.R. Dhilipkumar

ORDER

The petitioner was availing a Low Tension Service Connection from the Tamilnadu Electricity Board. The connection was converted into a High Tension Service Connection by sanction accorded on 30.11.2000 for extension of a maximum demand of 205 KVA to the Petitioner Industry. The connection was commissioned by proceedings dated 20.03.2002 and the petitioner has been availing of the service and remitting all dues without dispute.

2. Periodic checks were being carried out by the officials of the 1st Respondent Department to ensure that the meter was functioning properly. The inspections on 22.3.2001 and 06.03.02 revealed no errors after due power checks. An Inspection on the 4th of January, 2002 however revealed that a link screw in the meter card was not in proper contact and the defect was rectified restoring the performance of the service connection as seen in the inspection in June 2002.

3. The Terms and Conditions of Supply of Electricity governing the Tamil Nadu Electricity Board as approved in B.P.Ms. (F.B.) No.61 (Administrative Branch) dated 24.12.1988 and amended upto 31.07.2001 deals with the quantification of electricity in circumstances where the meter is found to be defective or to have ceased to function, or where theft of energy or any other violation is suspected. In such cases, the quantification is to be effected in the following terms:

> 'The quantity of electricity, supplied during the period in question will be determined by taking the average of the electricity supplied during the preceding four months in respect of High Tension service connections and two assessment periods (four months) in respect of Low Tension service connections, provided that the conditions in regard to use of electricity during the said four months/two assessment periods were not different from those which prevailed during the period in question.
>
> In respect of High Tension service connections, where the meter fixed for measuring the maximum Demand becomes defective, the Maximum Demand will be assessed by computation on the basis of the average of the recorded demand during the previous four months.

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Where the meter becomes defective immediately after the service connection is effected, the quantum of electricity supplied during the period in question is to be determined by taking the average of the electricity supplied during the succeeding two assessment periods, provided the conditions in regard to the use of electricity in respect of such Low Tension service connections are not different.'

4. The present Writ petition challenges Bill No.1672 in respect of the period October 2002 dated 31.10.2002 for an amount of Rs.2,89,706/- that included a sum of 1,40,604/- under the head 'old energy charges'. Learned counsel appearing for the petitioner would fairly, not dispute the methodology of computation set out in the terms and conditions. He would, however, point out that no break-up of the computation had been provided till date.

5. In response, learned counsel for the respondent has circulated a work sheet providing the break-up of the demand of Rs.1,40,604/-. The computation is based upon the actual assessment of consumption for the previous periods which are admitted figures, not disputed by either party. In this view of the matter, nothing further survives in this Writ Petition. However, liberty is granted to the petitioner to approach the Respondent for rectification of arithmetic errors, if any.

6. The Writ Petition is disposed of in the above terms.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

msr

To

1.The Superintending Engineer,
T.N.E.B. (CEDC West),
Thirumangalam S.S.
Anna Nagar, Chennai 600 040.

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2. The Accounts Officer,
Revenue/HT/CEDC/West,
33/11 KV, Shanthi Colony SS,
Riverview Colony,
Anna Nagar, Chennai -40.

+1cc to Mr.A.Jagadeesan, Advocate, S.R.No.25084
+1cc to Mr.P.R.Dhilip kumar, Advocate, S.R.No.24781

W.P.No.41713 of 2002

sj(co)

rmp(15/05/17)

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