

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.29938 of 2016
& W.M.P.No.25896 of 2016

S.P.Nanjappan

.. Petitioner

Vs.

1. The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai, Chennai - 2.
2. The Superintending Engineer,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and
Distribution Corporation
Ltd., Mettur Dam,
Salem District.
3. The Executive Engineer,
Operation and Maintenance,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Sankari - 636 301.
Salem District.
4. The Assistant Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Ethirmedi, Komarapalayam,
Namakkal District.

.. Respondents

Writ Petition is filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the respondents to replace the electricity meter, rectify the error in billing from September, 2015 and adjust the excess consumption charges levied so far towards future payment relating to the petitioner's electricity service connection S.C.No.308 given to his house in Door No.2/546, Vinobaji Nagar, Katheri, Sankari Taluk, Salem District by considering his representations dated 22.12.2015, 01.01.2016, 08.01.2016, 18.06.2016 and 01.07.2016.

For Petitioner .. Mr.N.Manokaran

For Respondents .. Mr.S.K.Rameshuwar

ORDER

Seeking a direction to the respondents to replace the electricity meter, rectify the error in billing from September, 2015 and adjust the excess consumption charges levied so far towards future payment relating to the petitioner's electricity service connection S.C.No.308 given to his house in Door No.2/546, Vinobaji Nagar, Katheri, Sankari Taluk, Salem District by considering his representations dated 22.12.2015, 01.01.2016, 08.01.2016, 18.06.2016 and 01.07.2016, the present writ petition has been filed.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3. While it is the case of the petitioner that the consumption charges as recorded are not correct it is the case of the respondents that there is no mistake in the meter but it is only with respect to the assessment part made by the previous assessors, which has been rectified. Therefore, the specific case of the respondents is that the amount quantified is for the units consumed by the petitioner, which is disputed now.

4. Such a disputed question of fact cannot be adjudicated before this Court. There is an effective alternative remedy under Clause 18 of the Supply Code before the Consumer Grievance Redressal Forum. Therefore, the respondents are hereby directed to refer the complaint of the petitioner under Clause 18 of the Supply Code to the Consumer Grievance Redressal Forum, within a period of two weeks from the date of receipt of a copy of this order. The said Forum is directed to adjudicate upon the dispute within a period of eight weeks thereafter subject to the compliance on the part of the petitioner including the mandatory payment, if any.

5. With the above observation and direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai, Chennai - 2.
2. The Superintending Engineer,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and
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4. The Assistant Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Ethirmedu, Komarapalayam,
Namakkal District.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.39432

+1cc to Mr.S.K.Rameshuwar, Advocate, S.R.No.39617

W.P.No.29938 of 2016

CS/19/06/17

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