

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.14111 of 2014

and

M.P.Nos.1 & 2 of 2014

C. Niyaz Ahmed,
No.5/K, R.S.Complex,
Anna Salai, Nagalkeni,
Chromepet,
Chennai-600 044.

..Petitioner

..Vs..

The Assistant Engineer,
CEDC/SOUTH,
Chromepet,
Chennai-600 044.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order in Ka.No.Oo.Po/E.Pa/Chrompet/Ko.No. /14 dated 30.04.2014 and to quash the same and consequently direct the respondent to confirm the charges paid towards the meter readings recorded on an average basis by the respondent from June 2010 to October 2012 and to refund the excess amount received from the petitioner on 12.05.2010 by the respondent during the period March and April, 2010 after deducting the amount payable by the petitioner on an average basis during the preceding one year i.e., from March 2009-February 2010.

For Petitioner: Mr.V.Athi Kesavan
for M/s. Mc Gan Law Firm

For Respondent: Mr.S.K.Raameshwar

O R D E R

The order of assessment of usage of power by the writ petitioner issued in proceeding dated 30.04.2014 is under challenge in this writ petition.

2.The grievances of the writ petitioner is that the respondent had not replaced the defective meter, and allowed the defective meter to remain for a considerable length of time. Thus, the petitioner cannot be faulted for the non payment of electricity power usage charges. The petitioner made repeated requests for change of meter and there was an enormous delay on the part of the respondent in changing the

defect meter. Such being the factum, the writ petitioner cannot be penalised for the non payment of the electricity power charges.

3.The learned counsel appearing on behalf of the respondent states that the assessment of electricity usage charges are made in accordance with the electricity code and the four months average usage was taken into consideration for the purpose of fixing the electricity charges in respect of defective meters. Thus, there is no infirmity in respect of the order passed by the Assistant Engineer. Further, it is contended that the writ petitioner has to prefer an appeal against the order, and thereafter approach the consumer Grievances Redressal Forum, which consist technical experts. Thus, all these grievances shall be redressed before the Forum constituted for the purpose of redressing the grievances of the consumers.

4.This Court cannot adjudicate the technical aspects involved in respect of the usage of electricity power supply in case of defective meters. It is for the technical experts to assess the usage made by the writ petitioner and the Redressal Forum consisting technical experts are competent to make assessment. The petitioner is at liberty to submit his explanations/objections if any, in respect of the assessment made by the respondent. In this regard, the writ petitioner is permitted to submit an appeal to the Consumer Grievances Redressal Forum setting out all these factual details, and the documents if any, within a period of four weeks from the date of receipt of a copy of this order. If any such appeal is received by the Forum, then the same shall be considered and a final order shall be passed on merits, in accordance with law as early as possible and preferably within a period of four months from the date of receipt of a copy of this order.

5.With these observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

KP

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

The Assistant Engineer,
CEDC/SOUTH,
Chromepet,
Chennai-600 044.

+1cc to M/s.Mc gan Law firm, Advocate SR.No.30770
+1cc to M/s.S.K.Raameshuwar, Advocate SR.No.30238

MP (CO)
sm:14.5.2018

W.P.No.14111 of 2014



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