

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2018

CORAM

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

W.P.No.14503 of 2014

and

M.P.No.1 of 2014

M.Mohamed Asalm

..Petitioner

..Vs..

1.The Assistant Engineer,/O & M/Chetpet
CEDC/West,
Tamil Nadu Electricity Board,
Tamil Nadu Generation of Electricity &
Distribution Coporation (TANGEDCO),
No.1, Jaganathapuram, First Floor,
Chetpet, Chennai-600 031.

2.The Executive Engineer/O & M/Chetpet,
Tamil Nadu Generation of Electricity &
Distribution Corporation (TANGEDCO),
No.1, Jaganathapuram, First Floor,
Chetpet, Chennai-600 031.

.. Respondents

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 comprised in the proceedings of the 1st respondent bearing Audit Slip No.80 dated 31.01.2014 issued by the 1st respondent for door No.188-E Poonamallee High Road, Kilpauk, Chennai-600 010 and quash the same and consequently directing the respondents not to proceed with the collection of the short fall amount pursuant to the order bearing Audit Slip No.80 dated 31.01.2014 issued by the 1st respondent in respect of the building situate at Door No.188-E Poonamallee High Road, Kilpauk, Chennai 600 010 other than by following the due process of law.

For Petitioner : Mr.T.T.Ravichandran

For Respondents : Mr.P.R.Dhilip Kumar

O R D E R

The order dated 31.01.2014 issued by the respondent in respect of the assessment of current consumption charges are under challenge in this writ petition.

2.It is an admitted fact that the said assessment was made on account of the defective meter which was in the premises of the writ petitioner. It is not the fault on the part of the writ petitioner. The learned counsel for the writ petitioner states that the respondents ought to have changed the defective meter during the appropriate time. However, the petitioner cannot be faulted for the purpose of defective meter, and therefore, the assessment made cannot be maintained by the respondents. There is an error even in assessing the actual current consumption charges by the respondents.

3.However, this Court is of an opinion that the usage of the current consumption charges are to be ascertained by the technical experts. In view of the fact that the defective meter situated in the premises of the writ petitioner is an admitted fact. The petitioner is at liberty to file an appeal to the Consumer Grievances Redressal Forum within a period of four weeks from the date of receipt of a copy of this order, setting out all the details and the grievances along with the documents if any. In the event of receiving any such appeal, the Consumer Grievances Redressal Forum shall adjudicate the same, and pass orders on merits and in accordance with law within a period of four months thereafter. The deposited amount, if any, by the writ petitioner is to be adjusted after making the final assessment.

4.The writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

KP
To

1.The Assistant Engineer,/O & M/Chetpet
CEDC/West, Tamil Nadu Electricity Board,
Tamil Nadu Generation of Electricity &
Distribution Coporation (TANGEDCO),
No.1, Jaganathapuram, First Floor,
Chetpet, Chennai-600 031.

2. The Executive Engineer/O & M/Chetpet,
Tamil Nadu Generation of Electricity &
Distribution Corporation (TANGEDCO),
No.1, Jaganathapuram, First Floor,
Chetpet, Chennai-600 031.
3. The Section Officer,
ER Section, High Court, Madras.

W.P.No.14503 of 2014

CS/17/05/18



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