

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.09.2018
CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.21662 of 2013
and M.P.No. 1 of 2013

P.Sengodan

.... Petitioner

Vs.

The Assistant Engineer,
Operation & Maintenance,
Tamil nadu Electricity Production &
Distribution Board , Rural,
Komarapalayam, Namakkal District.

.... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance a Writ of Certiorarified Mandamus calling for the records pertaining to the assessment order passed by the respondent calling for the records on the file of the 1st respondent in க.எண்.இ.பொ இ ப கு கட்டு நிலுவை எண்.005/11, dated 06.04.2013 quash the same and consequently directing the respondent to re-assess and give the present assessment amount by considering amount by considering the petitioner's representation dated 10.04.2013.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.S.K.Raameshuwar
Standing Counsel (EB)

O R D E R

The demand made by the respondent Electricity Board in proceedings dated 06.04.2013 in relation to the consumption charges on account of the defective meters is under challenge in this writ petition.

2. The learned counsel appearing on behalf of the writ petitioner states that the petitioner is not responsible for instalment of such defective meter in his premises. Further, it is contended that the meter was not defective one and during the relevant point of time, the petitioner was not residing in the premises and door was locked. Thus, the demand raised by the respondent in the impugned order is erroneous and untenable.

3. The learned counsel appearing for the respondent opposed the contention by stating that the competent officials,

on inspection, found that the metre was defective. When the meter was defective, the procedures have to be adopted for fixing the consumption charges as per the Supply Code. Thus, there is no irregularity in respect of the action initiated by the respondents against the writ petitioner. The competent authorities are empowered to inspect the meter installed and its running condition and other aspects of the meter. Such disputed facts can never be adjudicated under Article 226 of the Constitution of India. All such complex disputes are to be adjudicated by following the procedures and by adducing evidences before the competent forum.

4. It is relevant to site the sub-section 7 of Rule 11 of the Tamil Nadu Electricity Supply Code, 2004, which states that " in case the consumer does not agree with the assessment made by the Engineer or the higherlevel officer as the case may be, the matter may be referred to the next higher-level officer of the Licensee. In case the consumer is still not satisfied, the consumer is at liberty to approach the respective Consumer Grievance Redressal Forum of the Licensee ".

5. This being the provisions contemplated under the Tamil Nadu Electricity Supply Code, it is left open to the writ petitioner to file an appropriate application before the Consumer Grievance Redressal Forum concerned for the purpose of adjudicating merits and demerits of the case.

6. Thus, the writ petitioner is at liberty to approach the said forum along with the relevant documents by filing proper application within a period of four(4) weeks from the date of receipt of a copy of this order. On receipt of the application, the Consumer Grievance Redressal Forum is directed to adjudicate the same on merits and in accordance with law and pass orders without causing undue delay by giving opportunity to the parties concerned within a period of 12 weeks thereafter.

7. With the above observations, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

The Assistant Engineer,
Operation & Maintenance,
Tamil Nadu Electricity Production &
Distribution Board, Rural,
Komarapalayam, Namakkal District.

+1cc to Mr.R.Marudhachalamurthy, Advocate, S.R.No.61885

W.P.No.21662 of 2013
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GSP (25/09/2018)



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