

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 30-10-2018

CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
W.P.No.7560 of 2014

R.Subramani

.. Petitioner

..Vs..

1.The Central Superintending Engineer,
CEDC/North,
Tamil Nadu Electricity Board,
Chennai District.

2.The Executive Engineer/O&M,
Tamil Nadu Electricity Board,
Chennai North,
75, Paper Mills Road,
Perambur,Chennai-600 011.

3.The Assistant Accounts Officer,
Perambur Revenue Branch,
75, Paper Mills Road,
CEDC/North/Chennai-600 011.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari, calling for the records of the third respondent in his proceedings in Lr.No.AAO/PBR/AS//F.Short/D..548/2012 dated 4.10.2012 and order of the second respondent in his proceeding in Lr.Nos.EE/ O&M/ AAO/ PBR/AS/F.BOAB/D.No.C.No.57/2014 dated 3.2.2014 and quash the same.

For Petitioner : Mr.A.Gouthaman

For Respondents-1&2 : Mr.P.R.Dhilipkumar

ORDER

The order dated 4.10.2012 passed by the third respondent and the order passed by the second respondent in proceedings dated 3.2.2014, are under challenge in this writ petition.

2. The grievance of the writ petitioner is that the Meter fixed in the premises of the writ petitioner was defective during the relevant point of time and the respondents had collected the consumption charges erroneously.

3. The learned counsel, appearing on behalf of the writ petitioner, states that the consumption charges calculated by the respondents are not in accordance with the Electricity

Supply Code and the Regulations. Undoubtedly, the Meter fixed in the premises of the writ petitioner was defective for a particular period and the defect was subsequently rectified.

4. After rectification of the Meter, the respondents had imposed the consumption charges excessively without adhering to the principles settled in this regard in the Electricity Supply Code. The writ petitioner had already deposited 25% of the disputed amount as per the impugned order. In spite of that the electricity service was disconnected from the premises of the writ petitioner with effect from 23.11.2010.

5. The writ petitioner is a manufacturer of plastic products and on account of disconnection of the electricity service, the writ petitioner as well as the employees working in the factory/premises are suffering. This being the circumstances, the case of the writ petitioner deserves consideration.

6. The learned counsel, appearing on behalf of the respondents 1 and 2, disputed the contentions of the learned counsel for the writ petitioner by stating that the writ petitioner is a defaulter in payment of the consumption charges. The defective Meter was allowed to be continued in the premises of the writ petitioner at his instance. The writ petitioner had not intimated the defective Meter immediately to the Board. The calculation in respect of the consumption charges were made in accordance with the procedures contemplated and as per the Electricity Supply Code in force. Thus, there is no infirmity in respect of the demand made by the Electricity Department to pay the consumption charges due to the Board.

7. This apart, the redressal mechanism is provided under the Electricity Supply Code, more specifically, Clause 11 Sub Clause (7) of the Electricity Supply Code. As per the above provision, the writ petitioner has to approach the Consumer Grievance Redressal Forum for the purpose of asking the disputed consumption charges.

8. This Court is of an opinion that in respect of calculation of consumption charges, which is technical in nature, the parties have to approach the Competent Forum for the purpose of effective adjudication by producing documents and by adducing evidences if required. However, the said complex facts and the circumstances can never be adjudicated in writ proceedings under Article 226 of the Constitution of India and the parties have to adduce evidences in this regard. Thus, this Court is of an opinion that the writ petitioner has to approach the Consumer Grievance Redressal Forum constituted for the purpose of redressing the grievances of the writ petitioner framed under Chapter II Clause 11 (7) of the Tamil Nadu

Electricity Supply Code.

9. Under these circumstances, the following orders are passed:-

(i) The writ petitioner is directed to submit an application before the Consumer Grievance Redressal Forum, within a period of three weeks from the date of receipt of a copy of this order;

(ii) The writ petitioner is directed to deposit another 25% of the demanded consumption charges, without any delay and on such payment by the writ petitioner, the respondents are directed to restore the Electricity Service Connection in the premises of the writ petitioner with immediate effect;

(iii) The appeal to be submitted by the writ petitioner before the Consumer Redressal Forum shall be adjudicated and a final order shall be passed within a period of twelve weeks from the date of of the appeal to be filed by the writ petitioner.

10. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Central Superintending Engineer,
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75, Paper Mills Road,
CEDC/North/Chennai-600 011.

+1cc to Mr.A.Gowthaman, Advocate, S.R.No.74842

+1cc to Mr.P.R.Dhilipkumar, Advocate, S.R.No.74186

WP No.7560 of 2014

AK(CO)

rrs 14/11/2018