

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.12.2018

CORAM

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

W.P.No.33583 of 2018

and

W.M.P.No.38971 of 2018

C.Saminathan

..Petitioner

vs

1.The Superintending Engineer,
TANGEDCO,
Palladam Electricity Distribution Circle,
1st Floor, Kannan Departmental Store
Trichy Road, Palladam - 641 664.

2.The Executive Engineer
TANGEDCO,
Palladam sub Station
Udumalaipet Road, P.Vadugapalayam,
Palladam - 641 664.
Tiruppur District.

3.The Assistant Engineer(O&M)
TANGEDCO,
P.Vadugapalayam
Palladam Electricity Distribution Circle,
Palladam - 641 664
Tiruppur District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to accept the payment of electricity charges in respect of LM3B Tariff, Service Connection Number is 2300033220 on the file of the 3rd respondent without insisting upon the penalty.

For Petitioner
For Respondents

: Mr.S.Doraisamy
: Mr.S.K.Raameshwar,
Standing counsel for EB

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to accept the payment of electricity charges in respect of LM3B Tariff, Service Connection Number is 2300033220 on the file of the 3rd respondent without insisting upon the penalty.

2. At the first instance itself, the petitioner in his prayer categorically expresses his willingness to pay the Electricity Consumption charges. In view of the fair approach made by the writ petitioner, this Court is of an opinion that some consideration in respect of payment of the consumption charges by providing instalments is to be granted.

3. The learned counsel appearing on behalf of the writ petitioner states that the petitioner is ready and willing to clear the consumption charges, but disputes the penalty charges of Rs.2,90,263/- (Two Lakh Ninety Thousand, Two Hundred and Sixty Three only), which all are imposed unreasonably and in violation of the Tamil Nadu Electricity Supply Code. Thus, the writ petitioner is constrained to move the present writ petition.

4. The learned counsel appearing on behalf of the respondents on instructions from the 3rd respondent made a submission that the writ petitioner is liable to pay the total consumption charges including the penalty of Rs.44,87,477/- (Rupees Forty Four Lakh, Eighty Seven Thousand, Four Hundred and Seventy Seven only).

5. It is further contended that in respect of belated payment of the consumption charges, the petitioner is liable to pay the penalty of 1.5% as per the Tamil Nadu Electricity Supply Code. Thus, there is no infirmity or irregularity in respect of the imposition of penalty for the writ petitioner as the writ petitioner has not paid the consumption charges within the time limit prescribed in the Tamil Nadu Electricity Supply Code.

6. The learned counsel appearing on behalf of the petitioner states that in respect of the penalty charges, the writ petitioner is not liable to pay the sum. However, such disputed facts cannot be adjudicated in a writ petition. All such disputed facts and circumstances are to be adjudicated by producing the original documents and by adducing evidences before the competent Forum.

7. Thus, this Court cannot decide the factual details now submitted before this Court in respect of the payment of penalty charges. Under these circumstances, the writ petitioner has to approach the Consumer Grievances Redressal Forum for the purpose

of redressing his grievances in respect of the payment of penalty charges.

8.The learned counsel appearing on behalf of the writ petitioner states that the petitioner would pay Rs.25,00,000/- (Rupees Twenty Five Lakh only) immediately and after two weeks, the balance amount of consumption charges of Rs.16,97,214/- (Rupees Sixteen Lakh, Ninety Seven Thousand, Two Hundred and Fourteen only) will be paid.

9.In view of the undertaking now provided by the writ petitioner, this Court is inclined to pass the following order:

(i) The writ petitioner is directed to pay Rs.25,00,000/- (Rupees Twenty Five Lakh only) from the date of receipt of a copy of this order. On payment of Rs.25,00,000/-, the respondents are directed to restore the Electricity service connection in the premises of the writ petitioner with immediate effect.

(ii) The petitioner is directed to pay the balance amount of consumption charges of Rs.16,97,214/- (Rupees Sixteen Lakh, Ninety Seven Thousand, Two Hundred and Fourteen only) within a period of two weeks from the date of receipt of a copy of this order.

(iii) In respect of the penalty amount of Rs.2,90,263/- (Rupees Two Lakh Ninety Thousand, Two Hundred and Sixty Three only), the writ petitioner is at liberty to approach the Consumer Grievances Redressal Forum under Clause 18(4) of the Tamil Nadu Electricity Supply Code by filing an appeal along with all the relevant documents.

(iv) The writ petitioner is directed to approach the Forum within a period of four weeks from the date of receipt of a copy of this order and the Consumer Grievances Redressal Forum, on receipt of any such appeal from the writ petitioner, adjudicate the same by affording opportunity to all the parties concerned and decide the matter on merits and in accordance with law and pass orders within a period of twelve weeks thereafter.

10.With these directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Superintending Engineer,
TANGEDCO, Palladam Electricity Distribution Circle,
1st Floor, Kannan Departmental Store
Trichy Road, Palladam - 641 664.

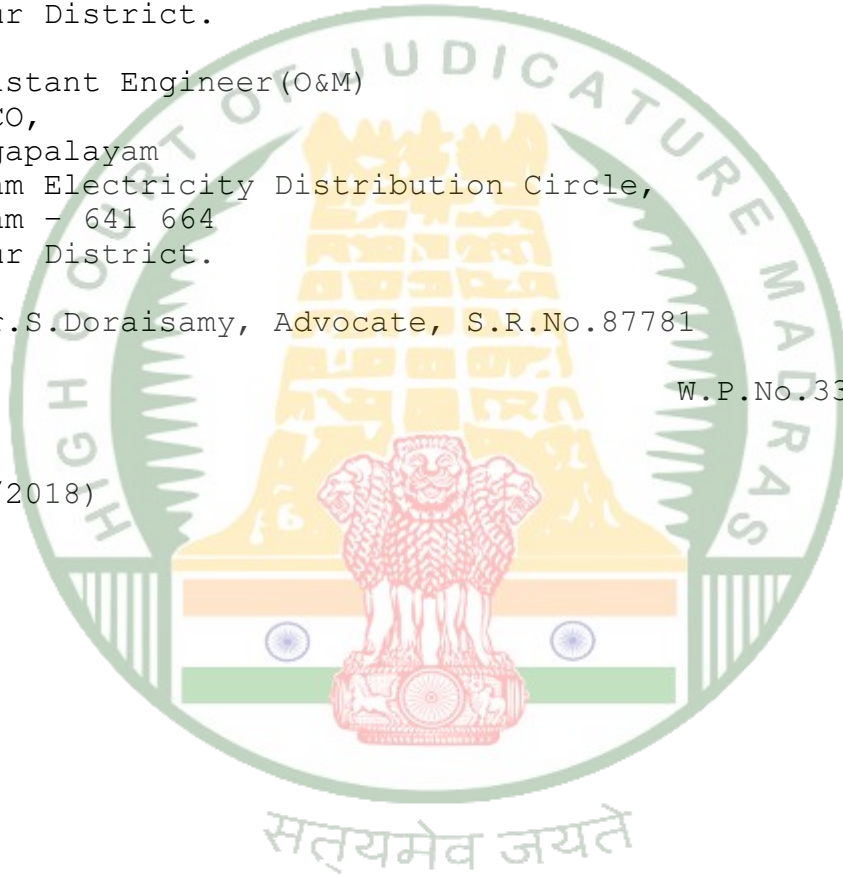
2.The Executive Engineer
TANGEDCO,
Palladam Electricity Distribution Circle,
Udumalaipet Road, P.Vadugapalayam,
Palladam - 641 664.
Tiruppur District.

3.The Assistant Engineer (O&M)
TANGEDCO,
P.Vadugapalayam
Palladam Electricity Distribution Circle,
Palladam - 641 664
Tiruppur District.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.87781

W.P.No.33583 of 2018

AK (CO)
GSP (19/12/2018)



WEB COPY