

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2018

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.34291 of 2018
and
W.M.P.No.39861 of 2018

R.Narayanamurthy

...Petitioner

Vs.

The Assistant Engineer,
Tamil Nadu Electricity Generation Distribution Circle
Vadapalani Division,
Chennai 600 024.

... Respondent

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the impugned order passed by the respondent in Lr. No.VU.POO/E.PA/VADAPALANI/KO. REVENUE/NO.259/2018 dated 09.11.2018 and the quash the same.

For Petitioner :Mrs.R.Shase
for M/s.M.Guruprasad

For Respondents:Mr.S.K.Remeshuwar
Standing counsel for Electricity
Board Department

O R D E R

The order of the respondent, dated 09.11.2018 directing the Writ Petitioner to pay the differential consumption charges of Rs.2,51,790/- is under challenge in the present Writ Petition.

2.The Writ Petitioner states that he is an absolute owner of the land admeasuring 25200 sq. fts. comprised in T.S.No.24 and T.S.No.25 of 26 in Block No.3, Pulliyur Village, Vadapalani. The petitioner had leased out the property and the lessee is running a hotel business in the name and style of "Hotel Bhimas". The grievance of the Writ Petitioner is that the premises were vacant for quiet some time and more specifically for a period of 1½ years and on account of that the authorities are claiming differential consumption charges and the petitioner is disputing the quantum of differential charges as stipulated in order dated 09.11.2018.

3.The learned counsel for the respondent oppose the above contention and states that the differential charges are imposed based on the regulations and by assessing the current usage of the consumer concerned. The authorities have assessed the differential charges based on the consumption and by calculating the differences. Thus, there is no irregularity in respect of the assessment of differential consumption charges made by the authorities and the Writ Petition is liable to be rejected.

4.This Court is of the considered opinion that in respect of consumption charges as well as differential amount, certain facts are to be ascertained. If at all, the petitioner is of the opinion that the authorities have wrongly calculated the differential charges, then it is left open to the Writ Petitioner to approach the Consumer Grievances Redressal Forum, constituted under clause 18 of the Tamil Nadu Electricity Distribution Supply Code.

5.The complex facts and circumstances arising on account of certain disputed facts can never be adjudicated in the Writ Petition filed under Article 226 of the Constitution of India and such disputes have to be adjudicated by perusing the documents and adducing evidence, if required. The facts finding in respect of the usage of electricity or calculating the differential amount and never be arrived in the Writ Petition. In this regard, the petitioner shall approach the Forum constituted for the purpose of redressing his grievances. However, the differential amount now claimed is to be paid for the purpose of avoiding disconnection of electricity and for the usage without any interruption. In this view of the matter, the following order is passed:

The Writ Petitioner is directed to pay the differential electricity consumption charges, now demanded by the respondent to the tune of Rs.2,51,790/- within a period of three days, from the date of receipt of a copy of this order. If the Writ Petitioner fails to pay the demanded amount, as per the impugned order dated 09.11.2018, the respondent is empowered to effect disconnection of electricity in the premises of the Writ Petitioner. The Writ Petitioner is at liberty to approach the Consumer Grievances Redressal Forum, constituted under clause 18 of the Tamil Nadu Electricity Distribution Supply Code and resolve the disputes in respect of calculation of differential consumption charges or any other issues. In the event of approaching the Forum, the Forum shall consider the matter on merits and in accordance with law and pass an order within a period of twelve weeks from the date of appeal, if any from the petitioner.

Accordingly the Writ Petition stands disposed of.
Consequently, connected Miscellaneous Petition is closed. No costs.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

sai/dna

To

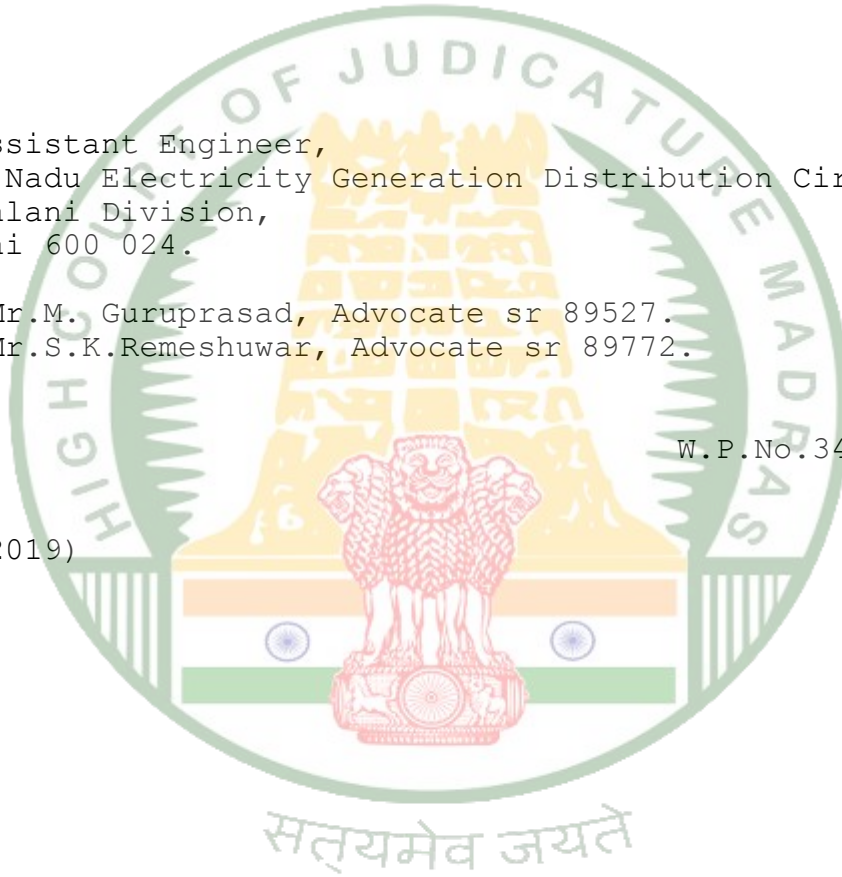
The Assistant Engineer,
Tamil Nadu Electricity Generation Distribution Circle
Vadapalani Division,
Chennai 600 024.

+1 CC to Mr.M. Guruprasad, Advocate sr 89527.

+1 CC to Mr.S.K.Remeshuwar, Advocate sr 89772.

W.P.No.34291 of 2018

SP(08/01/2019)



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