

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.01.2019

CORAM

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

W.P.Nos.23410 to 23413 of 2004, 16264 to 16266 of 2004
& 30290 to 30292 of 2004

and

W.P.M.P.Nos.36758,36759,36761,36762,36764,36765 of 2004

W.P.No.23410 of 2004

Mr.Md.Shoukath ..Petitioner

Mr.M.Ishrath .. Petitioner in W.P.No. 23411 of 2004

r.M.Raffath .. Petitioner in W.P.No. 23412,16264 &
30291 of 2004

Mrs.Rana Sheriff .. Petitioner in W.P.No. 23413,16266 &
30290 of 2004

Mr.M.Shoukath .. Petitioner in W.P.No.16266 & 30292 of 2004

vs

1.The Tamilnadu Electricity Board
rep.by its Chairman
Anna Salai, Chennai - 2.

2.The Assistant Engineer/Egmore
Tamil Nadu Electricity Board,
23, East Spur Tank Road
Chetpet, Chennai - 600 031.

..Respondents in all the WPs

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the demand raised by the 2nd respondent in the meter card in respect of Service Connection No.142-30-119 for the month of June-July 2004 and to quash the demand made for S.C.No.142-30-119 dated 29.07.2004 and directing the respondents to conduct a thorough examination of the meter, electricity cable, etc., in respect of Service Connection No.142-30-119 and rectify the defects.

For Petitioners : Mr.V.Shanmugam(in all W.Ps)

For Respondents : Mr.P.R.Dhilipkumar(in all W.Ps)

C O M M O N O R D E R

W.P.No.23410 of 2004: The relief sought for in this writ petition is to call for the records in connection with the demand raised by the 2nd respondent in the meter card in respect of Service Connection No.142-30-119 for the month of June-July 2004 and to quash the demand made for S.C.No.142-30-119 dated 29.07.2004 and to direct the respondents to conduct a thorough examination of the meter, electricity cable, etc., in respect of Service Connection No.142-30-119 and rectify the defects.

1.1. W.P.No.23411 of 2004: The relief sought for in this writ petition is to call for the records in connection with the demand raised by the 2nd respondent in the meter card in respect of Service Connection No.142-30-213 for the month of June-July 2004 and to quash the demand made for S.C.No.142-30-213 dated 29.07.2004 and to direct the respondents to conduct a thorough examination of the meter, electricity cable, etc., in respect of Service Connection No.142-30-213 and rectify the defects.

1.2. W.P.No.23412 of 2004: The relief sought for in this writ petition is to call for the records in connection with the demand raised by the 2nd respondent in the meter card in respect of Service Connection No.142-30-374 for the month of June-July 2004 and to quash the demand made for S.C.No.142-30-374 dated 29.07.2004 and to direct the respondents to conduct a thorough examination of the meter, electricity cable, etc., in respect of Service Connection No.142-30-374 and rectify the defects.

1.3. W.P.No.23413 of 2004: The relief sought for in this writ petition is to call for the records in connection with the demand raised by the 2nd respondent in the meter card in respect of Service Connection No.142-30-118 for the month of June-July 2004 and to quash the demand made for S.C.No.142-30-118 dated 29.07.2004 and to direct the respondents to conduct a thorough examination of the meter, electricity cable, etc., in respect of Service Connection No.142-30-118 and rectify the defects.

1.4. W.P.No.16264 of 2004: The relief sought for in this writ petition is to call for the records in respect of the demand raised by the 2nd respondent in the meter card in respect of Service Connection No.142-30-374 for the month of April-May 2004 and to quash the demand made in the Meter card for S.C.No.142-30-374 dated 27.05.2004 for a sum of Rs.18,700/-and

to direct the respondents to conduct a thorough examination of the meter, electricity cable, etc., in respect of Service Connection No.142-30-374 and rectify the defects.

1.5. W.P.No.16265 of 2004: The relief sought for in this writ petition is to call for the records in respect of the demand raised by the 2nd respondent in respect of Service Connection No.142-30-118 for the month of April-May 2004 and to quash the demand made for S.C.No.142-30-118 dated 27.05.2004 for a sum of Rs.46,503/-and to direct the respondents to conduct a thorough examination of the meter, electricity cable, etc., in respect of Service Connection No.142-30-118 and rectify the defects.

1.6. W.P.No.16266 of 2004: The relief sought for in this writ petition is to call for the records in respect of the demand raised by the 2nd respondent in respect of Service Connection No.142-30-119 for the month of April-May 2004 and to quash the demand made for S.C.No.142-30-119 dated 27.05.2004 for a sum of Rs.23,973/-and to direct the respondents to conduct a thorough examination of the meter, electricity cable, etc., in respect of Service Connection No.142-30-119 and rectify the defects.

1.7. W.P.No.30290 of 2004: The relief sought for in this writ petition is to call for the records in respect of the demand raised by the 2nd respondent in respect of Service Connection No.142-30-118 for the month of August-September 2004 and to quash the demand made for S.C.No.142-30-118 dated 27.09.2004 and to direct the respondents to conduct a thorough examination of the meter, electricity cable, etc., in respect of Service Connection No.142-30-118 and rectify the defects.

1.8. W.P.No.30291 of 2004: The relief sought for in this writ petition is to call for the records in respect of the demand raised by the 2nd respondent in respect of Service Connection No.142-30-374 for the month of August-September 2004 and to quash the demand made for S.C.No.142-30-374 dated 27.09.2004 and to direct the respondents to conduct a thorough examination of the meter, electricity cable, etc., in respect of Service Connection No.142-30-374 and rectify the defects.

1.9. W.P.No.30292 of 2004: The relief sought for in this writ petition is to call for the records in respect of the demand raised by the 2nd respondent in respect of Service Connection No.142-30-119 for the month of August-September 2004 and to quash the demand made for S.C.No.142-30-119 dated 27.09.2004 and to direct the respondents to conduct a thorough examination of the meter, electricity cable, etc., in respect of Service Connection No.142-30-119 and rectify the defects.

2.The learned counsel for the writ petitioners state that there are three houses and four portions and electricity services are provided in one compound. Till March 2003, the electricity meters installed by the Board were functioning properly and the petitioners were paying the consumption charges as per the tariff. During May 2003, there was an abnormality in the Meter reading and the demand by the Board was also made in excess and the petitioners submitted their complaints in this regard. Again in March 2004, the Meter reading was not done. In May 2004, the Meter was found to be defective. On account of these variations, the complaints were submitted by the writ petitioner to the Board for inspection and correct the Meters. On account of variations, the demand was issued by the Electricity Board based on the average usage made by the consumers. However, the present writ petitions are filed, challenging the said demand made by the respondent Board.

3.The learned counsel for the writ petitioners as well as the respondents now made a submission jointly by stating that the average consumption charges as per the previous usage will be taken into account for the purpose of raising demand and accordingly, the writ petitioners are liable to pay the arrears of consumption charges. The petitioners have also agreed to pay the arrears of consumption charges based on the average usage of electricity during the previous years, more specifically, prior to the error in electric meter.

4.Thus, the respondents are directed to calculate the average consumption charges and accordingly, communicate the demand to the writ petitioners, enabling the writ petitioners to pay the arrears of consumption charges as per the terms and conditions stipulated in the Regulations. The amount already deposited pursuant to the interim orders in the writ petitions shall be adjusted, while raising the demand. The said exercise shall be done by the respondents within a period of four weeks from the date of receipt of a copy of this order.

5.With this direction, all the writ petitions stand disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kak

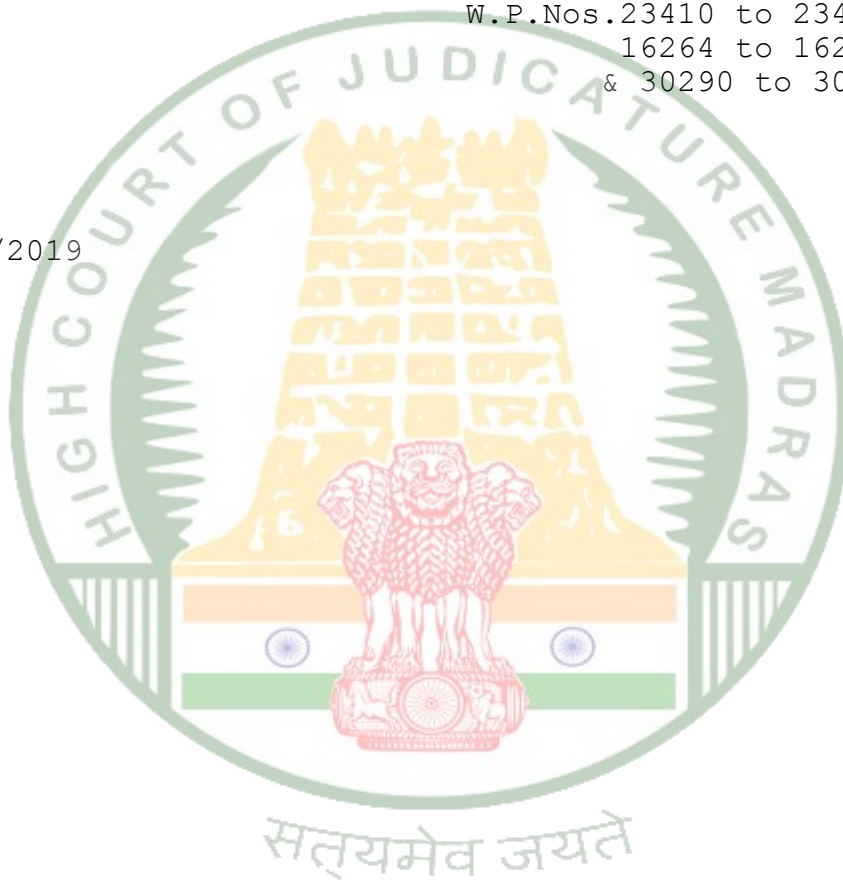
To

- 1.The Chairman,
Tamilnadu Electricity Board
Anna Salai, Chennai - 2.
- 2.The Assistant Engineer/Egmore
Tamil Nadu Electricity Board,
23, East Spur Tank Road
Chetpet, Chennai - 600 031.

W.P.Nos.23410 to 23413 of 2004,
16264 to 16266 of 2004
& 30290 to 30292 of 2004

KS(CO)

rrs 12/02/2019



WEB COPY