

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.06.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.29477 of 2004

Tmt.R.Loganayaki

..Petitioner

vs

1. Tamil Nadu Electricity Board
rep.by its Chairman
800, Anna Salai, Chennai.

2. The Assistant Executive Engineer
Ambattur Industrial Estate
TNEB: Ambattur:Chennai-600 058.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified, to call for the records pertaining to 2nd respondent's Lr.No.AE/O&M/AG7/MGPM/P.GL/RS/D.1339/04 dated 04.10.2004 and to quash the same and consequently directing the respondents to replace with a New Meter and remove the existing Meter provided to the Service Connection Account No.37-01-531 at Premises No.253A SIDCO Industrial Estate, Ambattur, Chennai, test it regarding its functioning and also check up entire Service Line thoroughly, make necessary corrections to the amount charged from the petitioner.

For Petitioner : Mr.K.Goviganesan
For Respondents : Mr.P.R.Dhilipkumar

WEB COPY
O R D E R

The petitioner has filed the present Writ Petition for issuance of a Writ of Certiorarified, to call for the records pertaining to 2nd respondent's Lr.No.AE /O&M/AG7/MGPM/P.GL/RS/D.1339/04 dated 04.10.2004 and to quash the same and consequently directing the respondents to replace with a New Meter and remove the existing Meter

provided to the Service Connection Account No.37-01-531 at Premises No.253A SIDCO Industrial Estate, Ambattur, Chennai, test it regarding its functioning and also check up entire Service Line thoroughly, make necessary corrections to the amount charged from the petitioner.

2. The case of the petitioner is that the petitioner is running a small scale unit at No.253A SIDCO Industrial Estate, Ambattur, Chennai-98 in the name of Abirami Wire & Allied Products dealing in manufacturing of Plastic Bucket handles. The Electricity Service Connection provided to the petitioner is under Service Connection Account No.37-01-531-Managalapuram. The TNEB Assessor took reading on 19.03.2004 recording 190 units. But without charging as per the reading the Board charged a sum of Rs.3407/- being the minimum. On 25.05.2004, the TNEB Assessor did not take any reading but recorded the same minimum charges of Rs.3407/-. The same was paid on the due date. However, the Assessor took reading on 24.07.2004, and recorded the consumption charges as 8670 units for the period from 19.03.2004 to 24.07.2004 and made entry that the petitioner should pay Rs.39,451/- after deducting the amount of Rs.3407/-, which was paid during the last reading. The petitioner lodged a complaint dated 11.08.2004 before the 2nd respondent informing him that there is a mistake, and that there must be some defect in the Meter. But instead of changing the Meter, the 2nd respondent by his letter No.AE/O&M/AG7/MGPM/P.GL/RS/D.1339/04 dated 04.10.2004, informed that the MRT Officer had tested the same and that he has found that the Meter is perfect and there is no mistake. The impugned order stating that the petitioner is required to pay the balance amount of Rs.33,951/-. Challenging the impugned order, the present writ petition is filed.

3. The learned counsel for the petitioner would submit that the petitioner's bi-monthly consumption had reached a maximum of 1030 units, only at one point of time and all other times, the bi-monthly consumption had been less than 500 Units. So, the recording of 8670 units for 2 bimonthly periods, is not reasonable. The petitioner lodged a complaint before the 2nd respondent informing him that there is a mistake in the Meter. The 2nd respondent has simply stated that the Meter was checked by the MRT authority, but the details were not furnished. But the respondent Board has submitted that the petitioner is liable to pay the balance amount of Rs.33,951/-.

4. The learned counsel for the respondents stated that based on the impugned order, the respondent board, on the

ground that the MRT Officer had tested the Meter and he has found that the Meter is perfect and there is no mistake, stated that the petitioner is required to pay a sum of Rs.33,951/- (Rupees Thirty Three Thousand Nine Hundred Fifty One Only) to avoid disconnection of the service.

5. From the above lines, it is clear that the respondent board demanded only consumption charges as per the meter reading recorded by the assessor and this Court cannot decide the disputed facts. Hence, I do not find any error in the order passed by the authority. I am inclined to grant liberty to the petitioner to pay the balance amount without any belated payment charges or any penal interest within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssb

To,

1. The Chairman,
Tamil Nadu Electricity Board
800, Anna Salai, Chennai.

2. The Assistant Executive Engineer
Ambattur Industrial Estate
TNEB: Ambattur:Chennai-600 058.

+1cc to Mr.T.K.S.Gandhi , Advocate SR.No. 52755

A.SK(30/07/2019)

W.P.No.29477 of 2004

WEB COPY