

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.02.2019

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.21608 of 2010

Prakash Plastic works,
Rep. by its Proprietor Rajesh Challani,
SP.No.127, SIDCO Industrial Estate,
Ambattur, Chennai - 600 058.

... Petitioner

Vs.

1. The Superintendent Engineer,
Chennai CEDC-WEST,
Thirumangalam SS Complex,
Thirumangalam, Anna Nagar
Chennai - 600 040.

2. Deputy Financial Controller,
Chennai (west) circle,
Tamilnadu Electricity Board,
Chennai.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records in Electricity Bill dated 02.09.2010 in connection no HTSC.No.1614 on the file of the 2nd respondent with regard to column no.14(a) and 16 and consequential disconnection notice in Letter No.SE/CEDC/W/DFC HT/Asst2/FHTSC.No.1614/D/247/2010 dated 13.09.2010 on the file of the 1st respondent and quash the same as illegal and arbitrary.

For Petitioner : Mrs.Vinu Pradha
for M/s.S.Rameshkumar

For Respondents : Mr.P.R.Dhilip Kumar

ORDER

This Writ Petition has been filed to call for the records in Electricity Bill dated 02.09.2010 in connection no HTSC.No.1614 on the file of the 2nd respondent with regard to column no.14(a) and 16 and consequential disconnection notice in Letter No.SE/CEDC/W/DFC HT/Asst2/FHTSC.No.1614/D/247/2010 dated 13.09.2010 on the file of the 1st respondent and quash the same.

2. The petitioner is a manufacturer of plastic articles and goods and a registered dealer under the Sales Tax Acts. The petitioner had put up an industry in the above industrial estate for the purpose of manufacturing of plastic articles. The respondent had provided electricity connection to the petitioner and the petitioner was paying the electricity charges regularly as per the bills issued by the respondent.

3. The case of the petitioner is that the petitioner was issued impugned bill dated 02.09.2010 for a sum of Rs.2,84,465/- for the month of August 2010. The allotted quota for the petitioner was 36854.4 units per month and the usage of the petitioner was 36928.00 units, thereby, the petitioner had exceeded 73.6 units, but, the 2nd respondent in Column No.14(a) of the impugned bill, arbitrarily stated that the petitioner had exceeded 2782.89 units and levied a sum of Rs.19480/- as 'quota consumption units at Rs.8.00 per unit under Add extra levy for exceeding limits'.

4. It is the further case of the petitioner is that after issuance of the impugned bill dated 02.09.2010, immediately, the petitioner had sent a representation to the 1st respondent on 08.09.2010 requesting to revise the charges in Column No.14(a) and 16 in the bill dated 02.09.2010 and subsequently, sent another representation on 14.09.2010 requesting to revise the impugned bill dated 02.09.2010. However, the 1st respondent issued a disconnection notice dated 13.09.2010, asking the petitioner to pay the entire bill amount on or before 23.09.2010, failing which, the electricity connection will be disconnected and therefore, the petitioner has filed this Writ Petition.

5. Denying the allegations of the petitioner, the respondent has filed a counter affidavit by stating that the impugned bill was properly made and the amount indicated therein as per the circular issued by the respondent board. Further, it has been stated that the petitioner was found exceeding both energy and demand quota fixed for it, thereby, the petitioner is liable to pay a sum of Rs.20,610 towards excess consumption over and above the quota fixed.

6. The respondent has also produced a copy of the calculation statement for the HT SC No.1614 of the petitioner, wherein, it is seen that the amount involved as Rs.40,091/- for the quota i.e 36854.4 units, allotted to the petitioner.

7. The petitioner would submit that he sent a letter dated 14.09.2010 to the 1st respondent/the Superintendent Engineer, CEDC / West / Thirumangalam, Chennai, stating that he filed an appeal as against the extra levy of electricity charges. Further, he would submit that since there is a stay granted by

this Court, the appeal filed by the petitioner has not been taken up for hearing and it is pending with the 1st respondent for consideration.

8. In view the submissions made by the learned counsel for the petitioner, this Court directs the 1st respondent to consider the appeal filed by the petitioner and pass appropriate orders within a period of four months from the date of receipt of a copy of this order, after giving sufficient opportunity to all the parties concerned. In case, the appeal has not been taken on file, the petitioner is at liberty to file a fresh appeal before the authority concerned, within a period of two weeks from the date of receipt of a copy of this order and thereafter, four months to pass orders by the 1st respondent.

9. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

raja

To

1. The Superintendent Engineer,
Chennai CEDC-WEST,
Thirumangalam SS Complex,
Thirumangalam, Anna Nagar
Chennai - 600 040.

2. The Deputy Financial Controller,
Chennai (west) circle,
Tamilnadu Electricity Board,
Chennai.

+1cc to Mr.M.Nallathambi, Advocate, S.R.No.16529

AK(CO)

RRS (04/04/2019)

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