

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2019

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.21892 of 2010  
and M.P.No.1 & 2 of 2010

M/s.Poly Gems,  
Rep. by its Prop:  
Mr.Ranjith Chhalani,  
No.27, Parthasarathi Street,  
Pulianthope, Chennai. ....Petitioner

Versus

- 1.The Tamil Nadu Electricity Board,  
Rep. by its Chairman,  
No.144, Anna Salai,  
Chennai 600 002.
- 2.The Assistant Engineer,  
Operation and Maintenance,  
Pulliantohope,  
Chennai Electricity Distribution Circle (Central),  
Chennai. ....Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records relating to the impugned order of the second respondent in including the audit arrears of a sum of Rs.3,76,600/- (Rupees Three Lakhs Seventy Six Thousand Six Hundred only) along with August 2010 current consumption bill and quash the same as illegal, arbitrary and against the provisions of the Electricity Act, 2003.

For Petitioner : Mr.M.Venkatakkrishnan

For Respondents : Mr.S.K.Rameshwar  
Standing Counsel (TNEB)

O R D E R

This writ petition has been filed seeking to quash the impugned order of the second respondent in including the audit arrears of a sum of Rs.3,76,600/-along with August 2010 current consumption bill.

2.The petitioner is doing a business under the name and style of M/s.Poly Gems in artificial gems in the premises bearing door No.27, Parthasarathi Street, Pulianthope, Chennai. The respondent board is supplying electricity to the petitioner's business premises and the consumption is charged under Tariff LT-II B and the petitioner is also paying the consumption charges without any due. While, by communication dated 06.10.2008, the respondent Board had informed the petitioner that during the Audit, it has been pointed out there is a short levy of current consumption charges due to non-adoption of average consumption during the period starting from 07/2005 to 12/2005 and demanded payment along with regular consumption bill. Aggrieved against the same, the petitioner has filed the present writ petition with the aforesaid prayer.

3.Heard Mr.M.Venkatakrishnan, learned counsel for the petitioner and Mr.S.K.Rameshwar, learned counsel for the respondents.

4.The learned counsel for the petitioner submits that the action of the respondent Board in including a sum of Rs.3,76,600/- based on the audit shortfall along with the regular current consumption charges for the month of August 2010 is as against the provisions of the Electricity Act, 2003. He further submitted that while entertaining this writ petitioner, this Court by an order dated 24.09.2010 directed the petitioner to pay 50% of the amount in respect of audit arrears of Rs.3,76,600/- within a period of two weeks from the date of receipt of a copy of the order. In compliance of the said order, the petitioner had deposited 50% of the amount. The learned counsel further submitted that as per Clause 18 of the Electricity Supply Code, any dispute with regard to the demand, the appeal arises before the Consumer Grievance Redressal Forum. Hence liberty may be granted to the petitioner to file an appropriate petition with regard to the payment of 50% amount before the Consumer Grievance Redressal Forum.

5.The learned counsel for the respondent Board conceded to the request made by the learned counsel for the petitioner.

6.In view of Clause 18 of Electricity Supply Code, I am inclined to grant liberty to the petitioner to file an appropriate petition before the Consumer Grievance Redressal

Forum within a period of four weeks from the date of copy of this order, failing which the respondent Board is entitled to collect the balance amount from the petitioner.

7. With the above observation, this Writ Petition stands disposed of. No costs. Connected miscellaneous petitions are also closed.

Sd/-  
Assistant Registrar

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Sub Assistant Registrar

rm

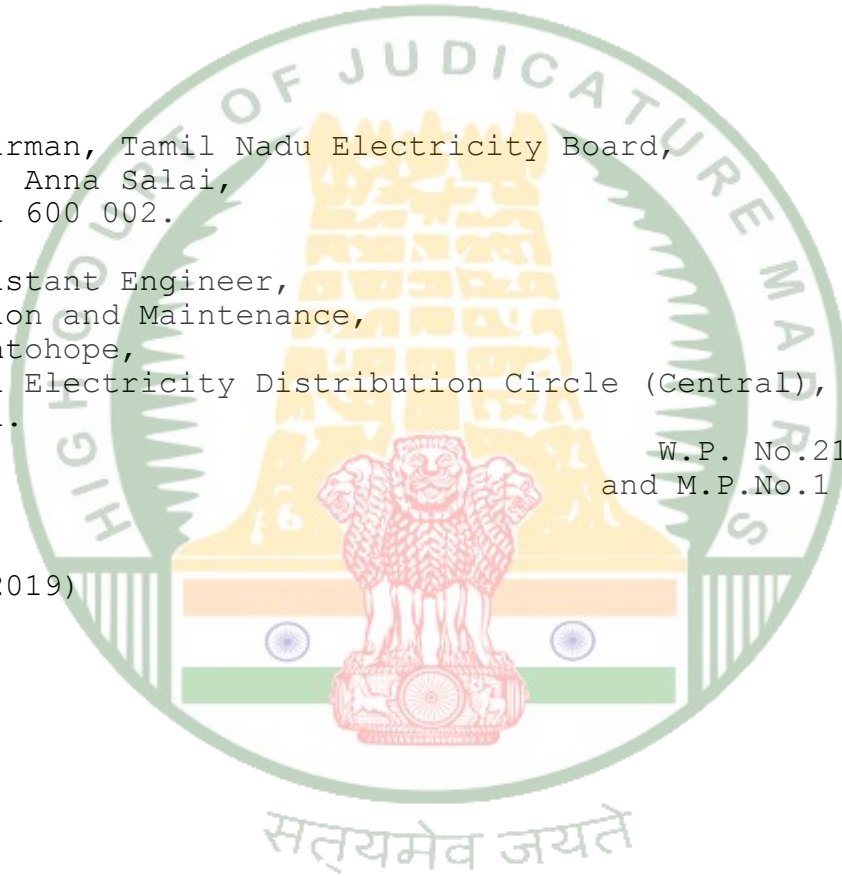
To

1. The Chairman, Tamil Nadu Electricity Board,  
No.144, Anna Salai,  
Chennai 600 002.

2. The Assistant Engineer,  
Operation and Maintenance,  
Pulliantohope,  
Chennai Electricity Distribution Circle (Central),  
Chennai.

W.P. No.21892 of 2010  
and M.P.No.1 & 2 of 2010

RR(CO)  
CB(15/10/2019)



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