

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.33485 of 2005
and
W.P.M.P.No.36400 of 2005

T.Motcham Fernando

.. Petitioner

Vs

1.The Tamil Nadu Electricity Board
represented by its Chairman
Anna Salai, Chennai - 600 002.

2.The Assistant Engineer
Tamil Nadu Electricity Board(SIDCO DIVISION)
I.C.F.VILLIVAKKAM, Chennai - 600 049.

3.The Executive Engineer(O&M) Perambur
No.75, Paper Mills Road
Perambur, Chennai - 600 011

.. Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, forbearing the respondents from collecting a sum of Rs.13,046/- towards the electricity charges for the Months of August, 2005 & September 2005.

For Petitioner : Mr.G.Sugadev Rajaguru

For Respondents : Mr.P.R.Dhilipkumar,
Standing counsel
for Electricity Board

WEB COPY
O R D E R

The relief sought for in the writ petition is to forbear the respondents from collecting a sum of Rs.13,046/- towards the electricity charges for the Months of August, 2005 & September 2005.

2.The grievances of the writ petitioner is that the shortfall in electricity consumption charges are imposed without verifying the meter properly.

3.The grounds raised by the petitioner states that the respondents had not checked the meter installed in the premises of the writ petitioner and they have not noted down whether the meter was defective or not. The shortfall charges are imposed arbitrarily and without assessing the meter reading properly. The representations submitted by the writ petitioner in this regard also had not been considered at all.

4.The learned counsel for the respondents states that the shortfall electricity consumption charges are imposed based on the meter reading and by conducting inspections. Thus, there is no infirmity in respect of the actions initiated by the respondents, directing the writ petitioner to pay the shortfall in electricity charges.

5.This Court is of an opinion that in respect of certain complex facts and circumstances, no writ can be entertained. Such disputed facts are to be adjudicated by the respective parties by producing original documents and by adducing evidences before the competent Forum. This Court cannot arrive a conclusion in respect of the allegations raised by the writ petitioner that the respondents had not checked the meter properly. If at all, the writ petitioner has to establish the same before the competent Forum concerned in this regard, Clause 18 of the Tamil Nadu Electricity Supply Code provides an appeal to the Consumer Grievances Redressal Forum and all such disputed facts shall be adjudicated before the Forum by the writ petitioner. However, the writ petitioner has to deposit the demanded amount without prejudice to the appeal to be preferred before the Consumer Grievances Redressal Forum.

6.In this view of the matter, the following orders are passed:

(i) The relief as such sought for in the present writ petition stands rejected.

(ii) The petitioner is directed to deposit the demanded amount within a period of four weeks from the date of receipt of a copy of this order without prejudice to the appeal, to be filed.

(iii) In the event of filing an appeal before the Forum, the Forum shall adjudicate the same on merits and by affording an opportunity to the writ petitioner and pass orders in accordance with law within a reasonable period of time.

7.With these directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kak

To

1.The Chairman

Tamil Nadu Electricity Board
Anna Salai, Chennai - 600 002.

2.The Assistant Engineer

Tamil Nadu Electricity Board (SIDCO DIVISION)
I.C.F.VILLIVAKKAM, Chennai - 600 049.

3.The Executive Engineer (O&M) Perambur

No.75, Paper Mills Road
Perambur, Chennai - 600 011

+1 cc to Mr.Sugadev Rajaguru, Advocate Sr.No.7985

+1 cc to Mr.Dhilip Kumar, Advocate Sr.No.8940

MG (CO)
CSL/26.02.2019

W.P.No.33485 of 2005

सत्यमेव जयते
WEB COPY