

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.12694 of 2019

Bollineni Hillside Residential Township
Owners Association (Regd.No.342/2010)
Rep. by its Secretary Sreekanth B Dundigalla
Perumbakkam Road
Nookampalayam, Sithalapakkam Post
Chennai 600 126

.. Petitioner

-vs-

1. The Assistant Executive Engineer
O and M / Medavakkam
CEDC/ South -II
Chennai 600 119
2. The Assistant Engineer
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
Sitalapakkam, Chennai
3. The Superintending Engineer
CEDC / SOUTH-II TNEB
110 KV/SS/COMPLEX
K.K.Nagar, Chennai 600 078

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the entire records connected with the proceedings of the first respondent in Lr.No.AEE/O&M/ MDVKM/F.MRT/LTCT Shortfall/2nd Intimation/D.No.645/18 dated 20.12.2018 and quash the same as illegal and arbitrary and consequently direct the first respondent to re-assess the consumption charges by considering the petitioner's representation dated 03.12.2018 and 11.03.2019.

For Petitioner :: Mr.M.Radhakrishnan
for Mr.K.Jayaraman

For Respondents :: Mr.S.K.Raameshuwar
Standing Counsel

ORDER

This writ petition is directed against the impugned order dated 20.12.2018 passed by the Assistant Executive Engineer, Operation and Maintenance, Medavakkam, in and by which the petitioner was instructed to pay a sum of Rs.16,35,761/- for the service connection No.315/009/1171 in respect of Sithalapakkam section on or before 29.12.2018, failing which slip would be raised in his service connection no.315/009/1171 on 31.12.2018.

2. Learned counsel for the petitioner submitted that the petitioner Association has taken over the maintenance of the facilities for the 1296 residences in Bollineni Hillside Residential Township and the respondents have provided 105 KW electricity service connection to the petitioner in Service Connection No.315/009/1171. From the date of installation of the meter, the meter readings have all been recorded monthly and the petitioner Association has been paying the consumption charges as per the meter reading to the respondents promptly. Only on 15.4.2017, the petitioner, after noticing some burns in the phase bus bar, gave a representation to the first respondent on 15.4.2017 and the first respondent also, after verification of the same, replaced the CT coil and other fittings and the supply was also restored. While so, all of a sudden, the present impugned order has been issued calling upon the petitioner to pay a huge sum of Rs.16,35,761/- as arrears for the period from 17.5.2015 to 15.4.2017. Aggrieved thereby, a representation also has been given on 11.3.2019 to the SEE/TANGEDCO, CEDC/South-II. Since there is no order passed, the petitioner has been advised to come to this Court challenging the same.

3. Learned standing counsel for the respondents, referring to Clause 11(7) of the Tamil Nadu Electricity Supply Code, 2004 submitted that when the petitioner was already issued with the impugned proceeding dated 20.12.2018, he should have preferred an appeal before the Superintending Engineer, as per Clause 11 (7) of the Supply Code. But it appears that the petitioner has given the representation only to the SEE, TANGEDCO. Therefore, he may be directed to make a proper appeal, as per Clause 11(7) of the Tamil Nadu Electricity Supply Code, 2004, which reads as follows:-

"11. Assessment of billing in cases where there is no meter or meter is defective.

(1) to (6)

(7) In case the consumer does not agree with the assessment made by the engineer or the higher level officer, as the case may be the matter may be referred to the next higher level officer of the licensee. In case the

consumer is still not satisfied, the consumer is at liberty to approach the respective Consumer Grievance Redressal Forum of the licensee."

4. In the light of the above, the petitioner is hereby directed to make proper appeal/representation to the Superintending Engineer, CEDC/South II, TANGEDCO by depositing 50% of the arrears amount demanded in the impugned order within one week from the date of receipt of a copy of this order, which will be subject to the result of the order to be passed by the Superintending Engineer on the appeal/representation. With this direction, the writ petition stands disposed of. Consequently, W.M.P.No.12924 of 2019 is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ss

To

1. The Assistant Executive Engineer
O and M / Medavakkam
CEDC/ South -II
Chennai 600 119
2. The Assistant Engineer
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
Sitalapakkam, Chennai
3. The Superintending Engineer
CEDC / SOUTH-II TNEB
110 KV/SS/COMPLEX
K.K.Nagar, Chennai 600 078

+1 cc to M/s.K.Jayaraman, Advocate, S.R.No.40758

+1 cc to M/s.S.K.Raameshuwar, Advocate, S.R.No.40393

W.P.No.12694 of 2019

PPA(CO)
SSM(28/05/2019) .