



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.07.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.14558 of 2019
& W.M.P.No.14535 of 2019

V.S.Hotels (Hotel Grand Palace)
Represented by its Managing Partner,
R.Venkatakrishnan,
S/o.Ramadas,
Old No.210, New No.257,
G.S.T.Road, Chrompet,
Chennai - 600 044. Petitioner

/verus/

The Assistant Executive Engineer,
Tamil Nadu Electricity Board Ltd, TANGEDCO,
Kadapperi, Chennai - 600 045. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, to direct the respondent to replace the existing fault meter vide Service No.293/007/222 with a new one by considering the petitioner's representation dated 25.04.2019.

For Petitioner : Mr.S.Veeraraghavan

For Respondent : Mr.S.K.Rameshwar, Standing Counsel

सत्यमेव जयते
O R D E R

Heard the Learned Counsel appearing for the Petitioner and the Learned Counsel appearing for the Respondent.

2. The contention of the petitioner is that the premises in which the petitioner running a Hotel have three Electricity service connections, out of which one of the meter is not properly functioning and therefore excess bill was raised by the respondent for the month of March 2019, which is 3½ times more than the normal bill. Hence, the petitioner approached this Court by way of Writ Petition seeking Mandamus to direct the respondents to replace the existing faulty meter vide service no.293/007/222.

3. In the counter affidavit, the respondent has stated that the meter fixed in the petitioner premises are electronic meter and it is perfectly in order and there is no defect in it. The bill for the month of March-2019 was raised based on the consumption of the Electricity by the petitioner. It is also brought to the notice of this Court through the counter that the petitioner being sanctioned with load of 108.32 KW as exceeded the sanctioned load and whenever there is excess consumption over and above the sanction load under the Electricity Supply Code, 2004, penalty is imposed. If the consumer repeatedly exceeds the sanction load, the penalty increases. If the violation of sanction load exceeds more 5 times i.e., 10% of the consumption is imposed as penalty. Accordingly, the petitioner who is a chronic violator of the sanction load, consumed load of 141.86 KW. Hence, the consumption charge of Rs.1,87,082/- and penalty of Rs.5,91,924.48 was imposed. If there is any grievance, the petitioner has to approach the Consumer Grievance Redressal Forum (CGRF) under Clause 18 of the Tamil Electricity Supply Code and hence, he cannot maintain a Writ Petition.

4. After hearing both the counsels, this Court holds that the remedy for the petitioner is not before the Writ Court but he has to move the Consumer Grievance Redressal Forum (CGRF) constituted under the Tamil Nadu Electricity Supply Code 2004. Therefore, the Writ Petition is disposed of; with direction to the petitioner to approach the Consumer Redressal Forum and get his grievance redressed. The petitioner herein is granted two weeks time to approach the concern forum. If the petitioner approach the forum within the said time, the respondent herein shall not implement the demand, till the disposal of the petition pending before the Redressal Forum. The Consumer Grievance Redressal Forum of the Electricity Board shall dispose of the application within a period of eight weeks, from the date of filing.

5. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

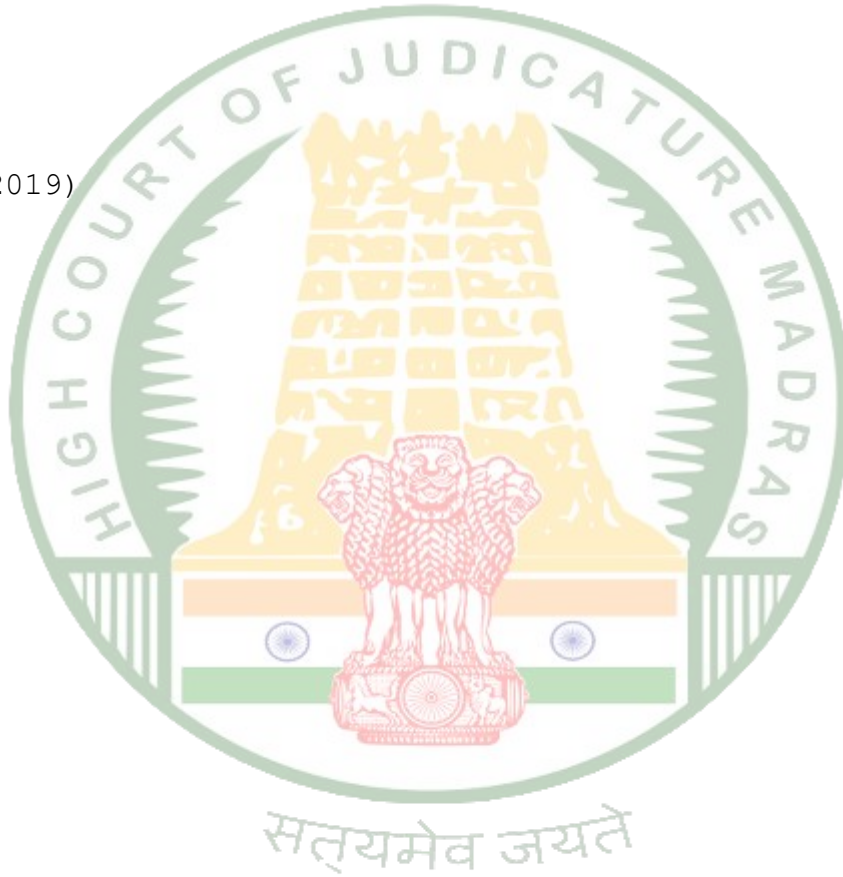
To

The Assistant Executive Engineer,
Tamil Nadu Electricity Board Ltd, TANGEDCO,
Kadapperi, Chennai - 600 045.

+1 CC to Mr.S.K.Rameshwar, Advocate sr 62639.
+1 CC to Mr.S.Veeraraghavan, Advocate sr 62499.

W.P.No.14558 of 2019
& W.M.P.No.14535 of 2019

PA (CO)
SP (28/08/2019)



WEB COPY