

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.21561 of 2019
and W.M.P.No.20759 of 2019

M.Muniyandy

.. Petitioner

/versus/

1.The Chairman,
Tamil Nadu Generation &
Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai-600 002.

2.The Executive Engineer,
No.110, KVSS Complex,
Anna Main Road,
K.K.Nagar,
Chennai-600 087.

3.The Assistant Executive Engineer,
No.116, Rajaji Street,
Ramakrishna Street,
Chennai-600 087.

4.The Assistant Accounts Officer,
No.116, Rajaji Street,
Ramakrishna Street,
Chennai-600 087.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus, directing the respondents to recalculate the Additional Security Deposit as per Tamil Nadu Electricity Supply Code for the Consumer No.092871111409 by considering the petitioner's representation dated 23.06.2019.

For Petitioner
For Respondents

: Mr.B.Siddeswaran
: Mr.S.K.Rameshwar
Standing counsel

O R D E R

Heard the learned counsel for the petitioner and the learned Standing counsel for the TANGEDCO.

2. The petitioner herein is aggrieved by the manner in which the additional current consumption deposit calculated and demanded by the third respondent vide proceedings dated 02.06.2019.

3. According to the petitioner the security deposit has been calculated for the consumption made corresponding period of the previous year. While doing so, the respondent has wrongly calculated the consumption of the previous year for calculating the additional security deposit. Therefore, instead of around Rs.5,000/- the respondent has demanded Rs.10,110/- towards the additional security deposit.

4. However, in the counter the respondent has extracted the calculation working sheet to justify why they are demanding Rs.10,110/-, towards additional security deposit. The said working sheet is extracted below:-

"4.I respectfully submit that the petitioner made a representation vide registered post on 30.06.2019 to reduce/recalculate the Additional Security Deposit in his service connection No.287-111-1409, on receipt of the above representation the respondent board replied to the petitioner with below calculation memo.
Details of ASD arrived

- i) Consumption charges paid during 6 Bi-monthly/12 monthly from 04/2018 to 03/2019 = Rs.22,292/-
 - a) cc bill paid for 6/2018 is = Rs.21,442/-
 - b) cc bill paid for 8/2018 is = Rs.530/-
 - c) cc bill paid for 10/2018 is = Rs.320/-
 - d) cc bill paid for 12/2018 is = Rs.0/- (covered in free units)
 - e) cc bill paid for 02/2019 is = Rs.0/- (free units)
- ii) Required Security Deposit is 3 Times the monthly average =
(Rs.22,292/6*3=Rs.11,146/-
- iii) Available Security Deposit (including interest @ 6.65% P.A= Rs.1045/-
- iv) Additional Security Deposit required and to be collected is =Rs.11,146 - Rs.1045 = Rs.10,110/-"

5. On pursuing of the said working sheet, this Court finds that the respondent has taken the consumption charge paid by the petitioner for the period from April 2018 to March 2019 as Rs.22,292/-, which includes a sum of Rs.21,442/- paid towards the bill for the month of June 2018.

6. According to the petitioner, the said bill was paid for the consumption for a period of previous 12 months and therefore, that cannot be taken into account for arriving average of previous year consumption for corresponding period as additional security deposit.

7. This Court finds force in the said submission. By taking into consideration the consumption charge paid during the month of June 2018, which was for the consumption made for the previous 12 months consumption (2017-2018), the working sheet appears to have been calculated taking into account consumption of previous 2 years instead of one year. The error has to be rectified and fresh demand for additional security deposit should be made.

8. Therefore, the 3rd respondent is directed to revise their calculation for demanding additional security deposit from the petitioner herein taking into consideration his actual consumption for the past one year and raise Additional Security Deposit. If any such demand is made, the petitioner shall make the deposit within the time given.

9. Accordingly, the writ petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rpl

To

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+lcc to Mr.B.Siddeswaran , Advocate SR.No. 81480

+lcc to Mr.S.K.Rameshwar , Advocate SR.No. 81364

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A.SK(08/11/2019)



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