

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.09.2019

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.25422 of 2019

and

W.M.P.No.24955 of 2019

Mrs.Jameela Bevi

.. Petitioner

/versus/

The Assistant Engineer O & M,
Tamil Nadu Electricity Board,
Sembakkam Division,
Tambaram,
Chennai 600 073.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to consider her representation dated 02.08.2019 to rectify the mistake committed by them for the service connection No.273-102-476 and regularize the service connection.

For Petitioner :Mr.R.Sankarakutralingam

For Respondent :Mr.S.K.Rameshwar, st.c.

O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus directing the respondent to consider her representation dated 02.08.2019 to rectify the mistake committed by them for the service connection No.273-102-476 and regularize the service connection.

2. Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondent.

3.The grievance of the petitioner is that she is a consumer under the respondent having service connection bearing 09273102476 for her residence. Since the meter reading was very erratic, she has been complaining to the authorities to verify the meter and replace it. The respondent has not taken any

action on her complaint. While so, on 30.07.2019, the respondent has assessed consumption of 18130 units and demanded consumption charges of Rs.1,18,088/-. While her previous consumptions was at the most around 1730 units per month, the reading of the current month showing as 18130 units is due to defect in the meter. Hence, she made a representation to the respondent on 02.08.2019 to test the meter and re-assess the consumption charges. Since the representation of the petitioner dated 02.08.2019 has not been considered by the respondent, the petitioner has filed the present writ petition to consider the representation dated 02.08.2019 to rectify the mistake in the meter and pass appropriate orders.

4. The learned standing counsel appearing for the respondent would submit that under the Tamil Nadu Electricity Supply Code, 2004, there are ample provision to redress the grievance of the petitioner and referred to Clause 11 of the Tamil Nadu Electricity Supply Code, 2004.

5. Clause 11(7) of the Tamil Nadu Electricity Supply Code, 2004 reads as below:

"11(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."

6. Under the above Clause, the consumer has to make representation to the Engineer or any higher authority in case of error in the meter reading and after the disposal of the representation, if the consumer is aggrieved then, the consumer has the appellate remedy and ultimately, he can approach the Consumer Grievance Redressal Forum established under Clause 18 of the Tamil Nadu Electricity Supply Code, 2004.

7. Here is the case where the petitioner has given representation to the Assistant Engineer on 02.08.2019, which has not been so far considered. Invoking the right under Clause 11(7) of the Tamil Nadu Electricity Supply Code, 2004 or Clause 18 will arise only after orders passed by the Assistant Engineer or the Higher Authority. Hence, the respondent is directed to consider the representation dated 02.08.2019 of the petitioner herein and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. Till then, no coercive action to be taken against the petitioner, provided the petitioner pays 10% of the amount demanded. If the meter reading is found to be at fault, the excess amount paid by the

petitioner shall be adjusted in the future bills.

8. Accordingly, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

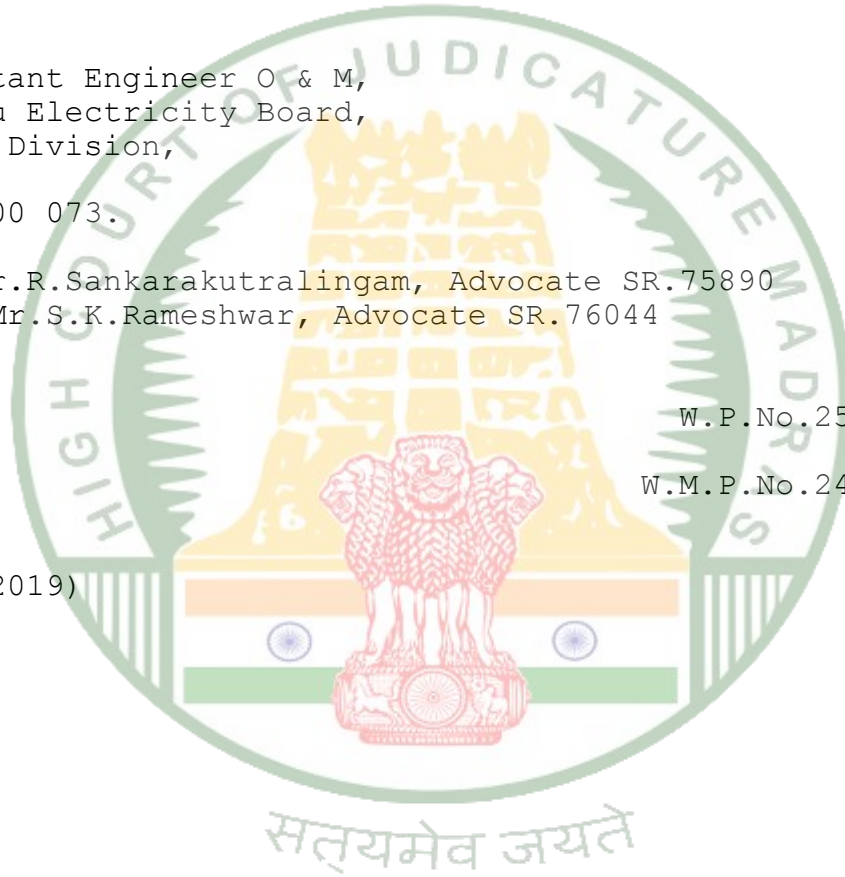
The Assistant Engineer O & M,
Tamil Nadu Electricity Board,
Sembakkam Division,
Tambaram,
Chennai 600 073.

+1cc to Mr.R.Sankarakutralingam, Advocate SR.75890

+1cc to Mr.S.K.Rameshwar, Advocate SR.76044

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and
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BS (CO)
CB (15/10/2019)



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