

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :30.10.2019

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.27813 of 2019
and
W.M.P.Nos.27358 and 27363 of 2019

U.Fairose

.. Petitioner

/versus/

1.The Assistant Engineer,
O & M/Kodambakkam/TANGEDCO,
TNEB/CEDC/South-I,
Kodambakkam, Chennai.

2.The Assistant Executive Engineer,
MRT/Metering/CEDC/South-I,
Kodambakkam, Chennai.

3.The Chairman,
Tamil Nadu Electricity Board,
Mount Road, Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the 1st respondent ending with in Lr.No.AE/O&M/KBM/F.CB/D248 dated 19.06.2019 and quash the same.

For Petitioner :Mr.N.A.Nissar Ahmed

For Respondents:Mr.S.K.Rameshwar,
standing counsel for R1 to R3

O R D E R

This Writ Petition has been filed to issue a Writ of Certiorari calling for the records of the 1st respondent ending with in Lr.No.AE/O&M/KBM/F.CB/D248 dated 19.06.2019 and quash the same.

2.The petitioner herein is a consumer of Electricity under service connection No.225013432, provided to the premises at Door No.18/28, 2nd Cross Street, Trustpuram, Kodambakkam, Chennai.

3.The present writ petition is filed challenging the consumption charges claimed by the first respondent demanding a sum of Rs.8,69,731/- towards arrears of Current Consumption charges and short assessment due to non adoption of correct average consumption. In the letter in Lr.No.AEE/MRT/M/CEDC/S/F./D.366/19 dated 13.06.2019 issued by the Assistant Executive Engineer, K.K.Nagar, Chennai to the Assistant Executive Engineer, Kodambakkam, the cause for issuing the said demand is mentioned as from the CMRI downloaded report, it is clearly visible that the consumption pattern is wrongly entered in the consumer ledger of the petitioner. Therefore, action to be taken against the individual who is responsible for the wrong entry in favour of the consumer and thereby creating revenue loss to the Board. As a consequence, on 19.06.2019, the Assistant Engineer, Kodambakkam, served notice to L.K.Udaiadullah (died), in whose name the service connection stands. The said L.K.Udaiadullah, is the husband of the petitioner herein.

4.The grievance of the petitioner herein is that the break details for demanding Rs.8,69,731/- has not been provided to her and further, all of a sudden, a sum of Rs.8,69,731/- is demanded. Therefore, explaining her difficulty she has given a letter dated 22.07.2019 seeking minimum of 36 installments so as to comply with the demand made by the first respondent towards short assessment.

5. The learned standing counsel appearing for respondents 1 to 3 would submit that the consumer has been clearly informed by the 1st respondent in his letter dated 19.06.2019 that if any clarification is required about the arrears and short assessment, the petitioner could contact the office of the 1st respondent. The petitioner did not seek any clarification about short assessment, she only sought time to pay the short assessment. Even now, the 1st respondent is ready to furnish the details of the demand arose due to short assessment.

6.The letter of the Assistant Executive Engineer, K.K.Nagar, Chennai to the Assistant Executive Engineer, Kodambakkam indicates that the actual consumption as per the CMRI data has not been reflected in the consumption ledger probably this is due to deliberate short assessment or unintentional omission by the person responsible. The first respondent has already instructed to take necessary departmental action against the person who is responsible for the loss by the Assistant Executive Engineer, K.K.Nagar, vide his letter dated 13.06.2019. As far as the consumption charges are concerned, the petitioner has expressed her willingness to pay the short assessment, provided she is given some breathing time to pay the money in installments.

7. Taking note of the provision under the Tamil Nadu Electricity Distribution Code, which empowers the respondents to provide three installments for payment of arrears and also taking into consideration the representation of the petitioner dated 22.07.2019 expressing her difficulty to pay the huge sum of Rs.8,69,731/- at one stroke, this Court is of the opinion that the petitioner may be given some breathing time, as sought by the petitioner in her representation dated 22.07.2019.

8. Accordingly, the petitioner shall pay the short assessment charges in 12 months installments besides the regular consumption charges. If the petitioner fails even one installment, the 1st respondent shall be at liberty to disconnect the service. Any payment already made towards the short assessment, the same may be credited into the account of the petitioner. The 1st respondent is directed to furnish the break up details of the short assessment. If there is any discrepancy in the short assessment made by the 1st respondent, the petitioner is at liberty to seek clarification.

9. With the above observations, the writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ari

To:

1.The Assistant Engineer,
O & M/Kodambakkam/TANGEDCO,
TNEB/CEDC/South-I,
Kodambakkam, Chennai.

2.The Assistant Executive Engineer,
MRT/Metering/CEDC/South-I,
Kodambakkam, Chennai.

3.The Chairman,
Tamil Nadu Electricity Board,
Mount Road, Chennai.

+1cc to Mr.N.A.Nissar Ahmed, Advocate SR.90298

+1cc to Mr.S.K.Rameshwar, Advocate SR.89879

W.P.No.27813 of 2019

RR(CO)

CB(02/12/2019)