

In the High Court of Judicature at Madras

Dated : 13.2.2020

Coram :

The Honourable Mr. Justice T.S. SIVAGNANAM

Writ Petition No.2556 of 2017 &
WMP.Nos.2519 & 2520 of 2017

P.Jyothi

...Petitioner

Vs

- 1.The Tamil Nadu Electricity Ombudsman,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai-8.
- 2.The Consumer Grievance Redressal
Forum, Villupuram Electricity Distribution
Circle, Villupuram.
- 3.The Chief Engineer (Distribution),
TANGEDCO, Villupuram.
- 4.The Executive Engineer (O&M),
TANGEDCO, Sub-Station Complex,
Marakanam Road, Tindivanam-604001.
- 5.The Assistant Engineer (O&M),
TANGEDCO, Kakalapayam Road,
Marakanam, Villupuram District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the 1st respondent in his proceedings in Appeal Petition No.51/2016 dated 23.11.2016 and also the proceedings of the 2nd respondent in Consumer Grievance Petition No.5/2016/A.No.296/16 dated 17.5.2016 and also proceedings of the 4th respondent in Ka.No.455/Che.Po/E.Pa/Thi Va M/Ko/Ombudsman/2016 dated 29.11.2016, quash the same and thereby forbear respondents 3 to 5 from claiming or enforcing payment from the petitioner on the basis of the above said orders and thereby direct respondents 3 to 5 to restore the electricity service connection in Service Connection No.462-009-532 of the petitioner at Thirukanur Village (M.Pudupakkam Panchayat) Marakanam Taluk and also direct respondents 3 to 5 to refund or adjust in future bills the excess amount over and above the amounts legally liable to be paid by the petitioner.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.M.Varunkumar
Standing Counsel

ORDER

This writ petition has been filed challenging the order passed by the first respondent, which is the Ombudsman constituted under the provisions of the Electricity Act.

2. The petitioner filed an appeal before the first respondent - Ombudsman on 18.6.2016 seeking to set aside the order passed by the second respondent in Appeal Petition No.51 of 2016 dated 17.5.2016 and to forbear respondents 4 and 5 herein from in any manner enforcing the payment from the petitioner pursuant to the meter reading dated 25.11.2015 in respect of service connection No.462-009-532 at Tirukanur Village and also to forbear respondents 4 and 5 herein from disconnecting the electricity supply in the said service connection under the guise of enforcing payment from the petitioner. The first respondent - Ombudsman, after affording full opportunity to the petitioner, by the impugned order dated 23.11.2016, confirmed the assessment made on the petitioner with certain directions.

3. The learned counsel for the petitioner submits that there are two errors committed by the first respondent - Ombudsman, which warrant interference by this Court in this writ petition. Firstly, it is submitted that the meter reading for the period from 28.3.2015 to 22.4.2015 was computed on average basis at 4,060 units, that this was added to the meter reading from 22.4.2015 to 13.5.2015, during which, 6,110 units were consumed and that the total demand was for 10,170 units. According to the petitioner, the computation on average basis for the period from 22.4.2015 to 13.5.2015 is incorrect. For the subsequent periods i.e the periods from 13.5.2015 to 24.6.2015 and from 05.10.2015 to 25.11.2015, for a period of 95 days, the Authorities, while noting the number of units consumed as 26,630 units, deducted only 6,110 units instead of deducting 10,170 units. On the above two grounds, the learned counsel for the petitioner seeks to interfere with the order passed by the first respondent - Ombudsman.

4. I have heard Mr.M.Varunkumar, learned Standing Counsel for the respondents, who has reiterated the contentions raised in the counter affidavit filed on behalf of the respondents.

5. With regard to average consumption charges, admittedly, the petitioner is in a bi-monthly meter reading cycle and owing to this, the average consumption charges were taken for a period

of four months i.e based on two meter readings and the average has been arrived at by applying Regulation 11(5) of the Tamil Nadu Electricity Supply Code, 2004. The petitioner has lost sight of the fact that he is in bi-monthly meter reading cycle and an average has been arrived at in accordance with Regulation 11(5) of the said Code. In this regard, the first respondent - Ombudsman rightly rejected the contentions advanced by the petitioner.

6. The second point canvassed before this Court that a deduction of 10,170 units should have been made from the total consumption of 26,630 units for the period of 95 days is raised for the first time in this writ petition and no such contention was raised before the first respondent - Ombudsman. Be that as it may, if this Court examines as to whether the respondent - Board was justified in deducting only 6,110 units, the crucial fact, which has to be taken into consideration, is that there is an overlap of the meter reading cycle between April 2015 and May 2015. Therefore, the respondent - Board rightly deducted 6,110 units from the total of 26,630 units and the petitioner cannot say that 10,170 units have to be deducted. Therefore, the second contention raised by the petitioner also does not merit consideration.

7. That apart, this Court finds that the first respondent - Ombudsman has given elaborate reasons in support of its conclusion and in the absence of any perversity in the proceedings of the first respondent - Ombudsman, this Court finds that the petitioner has not made out any grounds to interfere with the order passed by the first respondent - Ombudsman.

8. Accordingly, the above writ petition is dismissed. No costs. Consequently, the connected WMPs are also dismissed.

9. After the order is dictated, the learned counsel for the petitioner submits that the petitioner may be granted reasonable time to remit the demand.

10. The petitioner shall remit the entire demand within a period of eight weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Tamil Nadu Electricity Ombudsman, No.19A, Rukmini
Lakshmipathy
Salai, Egmore, Chennai-8.

2.The Consumer Grievance Redressal Forum, Villupuram Electricity
Distribution Circle, Villupuram.

3.The Chief Engineer (Distribution), TANGEDCO,
Villupuram.

4.The Executive Engineer (O&M), TANGEDCO, Sub-Station Complex,
Marakanam Road, Tindivanam-604001.

5.The Assistant Engineer (O&M), TANGEDCO, Kakalapayam Road,
Marakanam, Villupuram District.

+1cc to M/s.N.Suresh, Advocate Sr.12352

+1cc to M/s.M.Varunkumar, Advocate Sr.12251

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of 2017

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srg 10/03/2020



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