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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3896 of 2019

And

W.M.P.No.4314 of 2019

G.Deivanai

... Petitioner

Vs.

- 1.The Chairman,
The Tamil Nadu Electricity Board,
Tamil Nadu Generation and
Distribution Corporation
Mount Road,
Chennai.
- 2.The Executive Engineer,
The Tamil Nadu Electricity Board,
Tamil Nadu Generation and
Distribution Corporation, (Urban),
Kandiyankuppam,
Virudhachalam Taluk,
Cuddalore District - 606 001.
- 3.The Assistant Engineer,
The Tamil Nadu Electricity Board,
Tamil Nadu Generation and
Distribution Corporation, (Urban)
Pudhambur,
T.Gobrapuram,
Virudhachalam Taluk,
Cuddalore District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records in respect of the pertaining the order passed by the third respondent in his proceedings No.KA.No.YO.ME.PO/ E. and PA/ KA.KU/KO.PU/A. NO.212/2018, dated 28.12.2018 and quash the same and direct the respondents to restore the petitioner EB connection in respect of consumer No.02-100-002-461 at No.12, Middle Street, Periyakandiyankuppam, T.Gopurapuram, Virudhachalam Taluk, Cuddalore District.



For Petitioner : Mr.R.Ganesh

For Respondents : Mr.L.Jaivenkatesh
Standing Counsel

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ORDER

The petitioner has filed this writ petition seeking issuance of a Writ of Certiorari and Mandamus calling for the records pertaining to the order passed by the third respondent in his proceedings No.KA.No.YO.ME.PO/ E. and PA/ KA.KU/KO.PU/A. No.212/2018, dated 28.12.2018 and to quash the same and the direct the respondents to restore the petitioner EB connection in respect of consumer No.02-100-002-461 at No.12, Middle Street, Periyakandiyankuppam, T.Gopurapuram, Virudhachalam Taluk, Cuddalore District.

2.Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

3.The case of the petitioner is that the petitioner for her G.G.Refractories obtained EB connection and the unit runs for a sum of Rs.90/- to 120/- per day. The petitioner's unit is a seasonal unit and the petitioner cannot run the same properly during rainy season. During the month of October, 2018 to December, 2018 due to heavy rains, the petitioner's unit not operated frequently and the petitioner was paying the electricity bills regularly. However, the third respondent issued notice to the petitioner asking to pay a sum of Rs.2,87,459/- as electricity bill for the month of November, 2018 and the same was objected by the petitioner. However, no action was taken. Hence, the petitioner has filed this writ petition.

4.The learned counsel appearing for the petitioner would submit that the petitioner has been asked to pay a sum of Rs.2,87,459/- as electricity bill for the month of November, 2018, however, during the previous months, the petitioner has not paid such huge amount as electricity bill and hence the impugned bill is un-sustainable one.

5.The learned Standing Counsel appearing for the respondents would submit that it is not the case of theft of electricity or wrong calculation, whatever electricity was consumed by the petitioner it was reflected in the bill and as per the meter reading the petitioner was asked to pay the said amount. Pointing out to the counter filed on behalf of the respondents, he would further submit that the electricity connection was disconnected since the payment for the current



consumption charges of November, 2018 was not paid to TANGEDCO, however, on the basis of the order of this Court dated 20.02.2019 made in W.P.No.3896 of 2019 and W.M.P.No.4314 of 2019, the electricity was reconnected on 20.02.2019 without recovering the dues from the consumer and would further submit that there is alternative remedy of appeal available to the petitioner before the Consumer Grievances Redressal Forum under Regulation 18 of the Tamil Nadu Electricity Supply Code, 2004, however, without availing such remedy, the petitioner has filed this writ petition, which is not maintainable.

6.The petitioner claims that she has been asked to pay a sum of Rs.2,87,459/- as electricity bill for the month of November, 2018, however, during the previous months, she has not paid such huge amount as electricity bill. Respondents claims that whatever electricity was consumed by the petitioner it was reflected in the bill and as per the meter reading the petitioner was asked to pay the said amount.

7.In view of the above, this Court is not inclined to interfere with the impugned order. Since there is alternative remedy of appeal available to the petitioner before the Consumer Grievances Redressal Forum under Regulation 18 of the Tamil Nadu Electricity Supply Code, 2004, this Court without expressing any opinion on the merits of the case, grants liberty to the petitioner to prefer appeal before the competent Authority.

8.The writ petition is accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Chairman,
The Tamil Nadu Electricity Board,
Tamil Nadu Generation and
Distribution Corporation
Mount Road,
Chennai.

2.The Executive Engineer,
The Tamil Nadu Electricity Board,



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Tamil Nadu Generation and
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Pudhambur,
T.Gobrapuram,
Virudhachalam Taluk,
Cuddalore District.

+1cc to Mr.R.Ganesh, Advocate, S.R.No.58835

+1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No.58958

W.P.No.3896 of 2019

And

W.M.P.No.4314 of 2019

KG(CO)
SB(15/12/2021)