

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE C.SARAVANAN

W.P.No.7197 of 2014

and

W.M.P.No.1 of 2014

Mu.Thamizharasan

... Petitioner

Vs.

1.The Superintending Engineer,
TamilNadu Electricity Board,
Anna Salai, Chennai - 600 002.

2.The Executive Engineer, T.N.E.B,
O & M, Vyserpadi,
110/33, K.V.S.S.Complex,
(Basin Bridge), Vysarpadi,
Chennai - 600 039.

3.The Assistant Account Officer,
Tamilnadu Electricity Board,
Vysarpadi Division, Vysarpadi,
Chennai - 600 039.

4.The Assistant Divisional Engineer,
Tamilnadu Electricity Board,
Vysarpadi Division, Vysarpadi,
Chennai - 600 039.

5.The Assistant Engineer,
Tamilnadu Electricity Board,
M.K.B.Nagar Division,
Vysarpadi, Chennai - 600 039.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, to direct the respondents to refund the sum of Rs.13,679/- illegally collected from the petitioner together with interest at the rate of 12% per annum from date of payment of the said amount i.e 25.09.2013 and forbear the respondents from insisting the deposit of the sum of Rs.7,630/- towards ACCO in respect of service connection No,070:038:113 in premises No.66/23, III Palla Street, Vysarpadi, Chennai - 600 039.

For Petitioner : Mr.Raja Ravivarma

For Respondents : Mr.P.R.Dhilipkumar

O R D E R

The petitioner has filed this writ petition to direct the respondent to refund the amount of Rs.13,679/- collected for the petitioner for the period between June and July 2012 based on the defective metre reading. The petitioner has also prayed for an order forbearing direct the respondent from collecting a deposit of Rs.7,630/-.

2. There is no counter on behalf of the respondent. On the other hand, learned counsel for the respondent submits that the petitioner has an alternate remedy under the provisions of the Tamil Nadu Electricity Supply Code read with Electricity Act, 2003. It was however orally submitted that the petitioner had purchased the property in the year 2002 and was occupied by a tenant who had certain electrical items installed and used and therefore there was justification in collecting excess amount.

3. However, there is no dispute that based on the complaint of the petitioner, a new metre was subsequently installed on 27.09.2013 and the consumption has drastically come down to 178 units as against 2010 units recorded for the month of June and July, 2012 under the old defective metre.

4. Thus, the collection of excess amount of Rs.13,679/- from the petitioner and the consequential demand for deposit cannot be justified. In this circumstances, I am inclined to allow this writ petition by forbearing the respondent from collecting any further amount towards deposits based on the defective metre. I also direct the respondents to adjust the aforesaid amount of RS.13,679/- collected from the petitioner on 23.09.2013 against future compensation and square up the excess collection.

5. Writ Petition stands disposed with the above observation. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Superintending Engineer,
TamilNadu Electricity Board,
Anna Salai, Chennai - 600 002.

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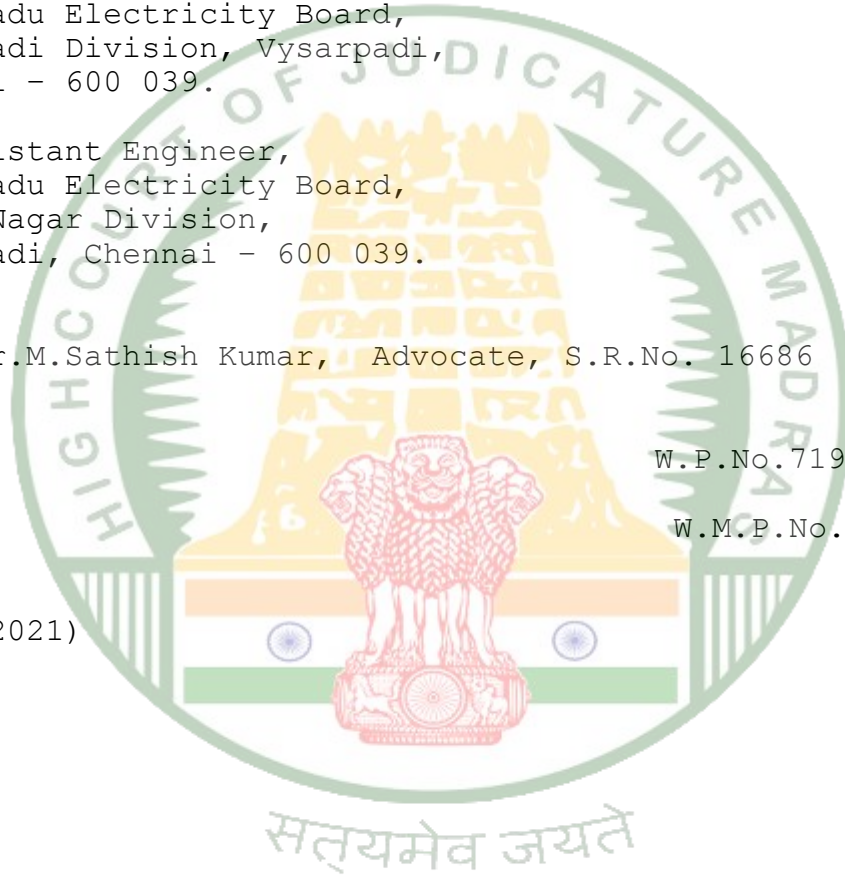
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+1cc to Mr.M.Sathish Kumar, Advocate, S.R.No. 16686

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GSM(CO)
GN(16/06/2021)



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