



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.17969 of 2019

and

W.M.P.Nos.17391 and 17392 of 2019

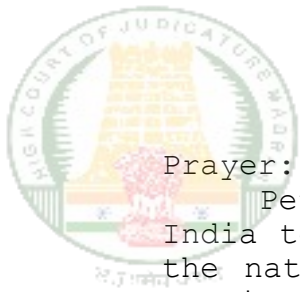
R. Kuberan

...Petitioner

Vs.

- 1.The Chief Engineer-Distribution,
Tamil Nadu Generation & Distribution Corporation Ltd.,
(TANGEDCO),
Viluppuram District.
- 2.The Superintending Engineer,
Tamil Nadu Generation & Distribution Corporation Ltd.,
(TANGEDCO),
No.10, Old Power House Road, Viluppuram - 605602.
- 3.The Assistant Executive Engineer,
Tamil Nadu Generation & Distribution Corporation Ltd.,
(TANGEDCO),
MRT, Viluppuram.
- 4.The Assistant Executive Engineer/Rural/Viluppuram,
Tamil Nadu Generation & Distribution Corporation Ltd.,
(TANGEDCO),
No.401/1, ADL Complex, Tiruchi Main Road,
Vazhuthareddy, Viluppuram - 605 602.
- 5.The Assistant Executive Engineer/Enforcement/Viluppuram,
Tamil Nadu Generation & Distribution Corporation Ltd.,
(TANGEDCO),
No.10, Old Power House Road, Viluppuram - 605602.
- 6.The Assistant Engineer - I/West/Viluppuram,
Tamil Nadu Generation & Distribution Corporation Ltd.,
(TANGEDCO),
No.401/1, ADL Complex, Tiruchi Main Road,
Vazhuthareddy, Viluppuram - 605602.

...Respondents



Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus or direction in the nature of Writ, to call for the records culminating in the passing of the Impugned Order bearing Lr.No.AEE/RW/VPM/LTCT/D.No.198/17-18, dated 14.02.2018 and the consequential Lr.No.AE/RW/VPM/LTCT/D.No.225/2018, dated 14.03.2018 of the 6th respondent and quash the same and consequently direct the respondents to re-assess the Meter Reading after giving an opportunity to the petitioner and furnishing of calculations.

For Petitioner : Mr.L.S.M.Hasan fizal

For Respondents : Mr.Jai Venkatesh
Standing Counsel for Electricity Board

O R D E R

The petitioner has filed the Writ Petition in W.P.No.17969 of 2019 seeking issuance of Writ of Certiorarified Mandamus to call for the records culminating in the passing of the Impugned Order bearing Lr.No.AEE/RW/VPM/LTCT/D.No.198/17-18, dated 14.02.2018 and the consequential Lr.No.AE/RW/VPM/LTCT/D.No.225/2018, dated 14.03.2018 of the 6th respondent and quash the same and consequently direct the respondents to re-assess the Meter Reading after giving an opportunity to the petitioner and furnishing of calculations.

2. The case of the petitioner is that the petitioner is running a Rice Mill under the name and style of "Saraswathi Modern Rice Mill" as a production/hulling unit. The petitioner had obtained 3 phase Electricity Service Connection bearing SC No.407-010-062 & Consumer No.024070100062 under LT3B Industries Tariff. The monthly bill was being made on the basis of the meter reading and as per the bills raised; the petitioner has been paying the current consumptions charges promptly and without any arrears.

3. On 25.01.2018, a surprise inspection was conducted in the said rice mill for examining the energy meter by the 4th and the 5th respondents and they verified the MRT Security Seals and the same was found to be intact. As the B Phase internal CT was open in the existing energy meter, the 4th and the 5th respondents had replaced the same immediately with a new meter on the same day. The respondents without making any inspection notes and obtaining signature of the petitioner, passed the impugned order dated 14.02.2018 demanding a sum of Rs.6,14,090/- for an estimated 92,102 units of power utilized by the petitioner, under Chapter 2, Rule 11(6) of Tamil Nadu Electricity Supply



Code, 2004, to be paid within 30 days. Challenging the same, the present Writ Petition is filed.

4. The Learned counsel appearing for the petitioner submits that the petitioner was directed to pay a sum of Rs.6,14,090/- with the current consumption charges of Rs.67,338/- for June, 2019 and it is alleged that the entire amount for the defective meter from 29.03.2016 to 25.01.2018 has also been included with the regular bill for the month of June 2019. It is pertinent to note that it is not the case of the respondents that no meter reading had been noted from 29.03.2016 onwards. But it is an admitted fact that meter readings had been taken, noted and intimated to the petitioner and he has paid the same as per the receipts issued to him. Therefore, it is clear case of no tampering or theft of energy or defective meter. Hence, he prays to consider the prayer sought for.

5. The learned Standing Counsel appearing for the respondents submit that as against the impugned order, there is an alternative remedy available for the petitioner before the Consumer Grievances Redressal Forum under Section 18 of the Supply Code. Therefore, this Court without interfering into the impugned order, may refer the petitioner to avail the alternative remedy.

6. Considering the facts and circumstances of the case, the petitioner filed the Writ Petition challenging the impugned order passed by the 6th respondent in which the petitioner was directed to pay a sum of Rs.6,14,090/- for the period commencing from 29.03.2016 to 25.01.2018 for 22 months. However, it appears that there is an alternative remedy available to the petitioner before the Consumer Grievances Redressal Forum under Section 18.

7. In view of the above facts, the prayer sought for by the petitioner cannot be acceded to. Accordingly, this Writ Petition is dismissed however, liberty is granted to the petitioner to file appropriate appeal before the Consumer Grievances Redressal Forum under Section 18 by depositing a sum of Rs.2,00,000/-. If such deposit is made and an appeal is filed by the petitioner, the Consumer Grievances Redressal Forum is directed to consider the appeal and pass appropriate orders in accordance with law. Consequently, connected Miscellaneous Writ Petitions are closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar



anu

To

- 1.The Chief Engineer-Distribution,
Tamil Nadu Generation & Distribution Corporation Ltd.,
(TANGEDCO),
Viluppuram District.
- 2.The Superintending Engineer,
Tamil Nadu Generation & Distribution Corporation Ltd.,
(TANGEDCO),
No.10, Old Power House Road, Viluppuram - 605602.
- 3.The Assistant Executive Engineer,
Tamil Nadu Generation & Distribution Corporation Ltd.,
(TANGEDCO),
MRT, Viluppuram.
- 4.The Assistant Executive Engineer/Rural/Viluppuram,
Tamil Nadu Generation & Distribution Corporation Ltd.,
(TANGEDCO),
No.401/1, ADL Complex, Tiruchi Main Road,
Vazhuthareddy, Viluppuram - 605 602.
- 5.The Assistant Executive Engineer/Enforcement/Viluppuram,
Tamil Nadu Generation & Distribution Corporation Ltd.,
(TANGEDCO),
No.10, Old Power House Road, Viluppuram - 605602.
- 6.The Assistant Engineer - I/West/Viluppuram,
Tamil Nadu Generation & Distribution Corporation Ltd.,
(TANGEDCO),
No.401/1, ADL Complex, Tiruchi Main Road,
Vazhuthareddy, Viluppuram - 605602.

+1cc to Mr.L.S.M.Hasan Fizal, Advocate SR. No.60769

+1cc to Mr.K.Venkatesh, Advocate SR. No.60840

W.P.No.17969 of 2019 and
W.M.P.Nos.17391 and 17392 of 2019

SRA (CO)
PR (05/01/2022)