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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.22820 of 2019

and

W.M.P.Nos.22406 & 22408 of 2019

R. Krishnamoorthy

...Petitioner

Vs

1. The Executive Engineer (O&M)
TANGEDCO,
Tambaram,
Chennai600 045.
2. The Assistant Executive Engineering,
TANGEDCO,
Medavakkam,
Chennai-600 100.
3. The Assistant Accounts Officer,
TANGEDCO,
Pallavaram,
Chennai-600 100.
4. The Assistant Engineer,
O&M/CED/South,
TANGEDCO,
Pallikaranai,
Chennai-600 100.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the demand slip dated 19.01.2019 issued by the Assistant Engineer, O&M/CED/South, TANGEDCO, Pallikaranai, 4th Respondent and quash the same and consequently direct the Respondents to restore the electricity supply to Electricity Service Connection No.09/312/103/108 and No.09/312/103/110.

For petitioner : Mr. A.V.Arun assisted by M.A.Aruneshu



For Respondents : Mr. L.Jaivenkatesh,
Standing counsel for R1 to R4.

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ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the demand slip dated 19.01.2019 issued by the 4th Respondent and quash the same and consequently direct the Respondents to restore the electricity supply to Electricity Service Connection of the petitioner.

2. The case of the petitioner is that he is a consumer for Electricity service connection in Service consumer Nos.09/312/103/108 and 09/312/103/110 and was prompt in payment of monthly consumption charges without any default. While being so, during the month of April 2018, huge electricity consumption charges was demanded for the aforesaid service connections by TANGEDCO which was irrelevant to the actual consumption of the petitioner. Therefore, the petitioner requested the officials of TANGEDCO to recalibrate the electricity meter and recalculate the electricity charges and the same was carried on by the 4th Respondent herein. However, with regard to requantification of charges, there was no reply from the 4th Respondent.

3. Therefore, the petitioner sent a letter dated 31.12.2018 to the 4th Respondent asking for the basis for which a calculation slip 19.01.2019 was issued to the petitioner based on the recalculation of the meter reading. However, when the petitioner was willing to pay the charges as per the aforesaid calculation slip, the same was refused by the 4th Respondent without any valid reason. Such being the case, the petitioner made a representation with regard to the issue to the 1st Respondent for which the petitioner was informed to approach the 3rd Respondent and accordingly, the petitioner made a representation to the 3rd Respondent on 27.05.2019. The petitioner made several representations to Respondents 3 & 4 to rectify the error in meter reading, however, till date no action has been taken on the petitioner's representation. Hence the present Writ Petition is filed seeking the above relief.

4. The learned counsel for the petitioner submits that though the petitioner made a series of representations to the respondents with regard to the rectification of error in meter reading, till date no action has been taken on the same. Further, inspite of the representation made by the petitioner against the calculation slip issued by the 4th respondent, no



action has been taken on the same instead, the respondents have disconnected the electricity supply to the aforesaid electricity connections without any notice to the petitioner. In such view of the matter, the inaction on the part of the Respondents with regard to rectification of error in meter reading reveals that the respondents have failed to follow the procedures as contemplated under the Tamil Nadu Electricity Distribution Code, 2004 and Supply Code and therefore, the calculation memo issued by the 4th Respondent is liable to be set aside. Further, the learned counsel submits that the petitioner has already paid 50% of the amount to the tune of about Rs.1,40,000 and odd as quoted in the impugned memo and that this Court may issue direction to the respondents to restore the electricity supply in the aforesaid service connections.

5. The learned standing counsel for the respondents had not disputed the fact that the petitioner has already settled 50% of the amount as prescribed in their calculation memo dated 19.01.2019 which is now under challenge and submits that the petitioner is yet to pay the 50% of the balance amount as prescribed by the 4th Respondent in the aforesaid memo with penalty charges.

6. Heard the learned counsel on the either side and perused the materials available on record.

7. The materials available on record reveals that though the petitioner was initially ready to remit the entire amount as prescribed in the impugned memo, which is under challenge, the same was refused by the 4th Respondent. Since, the 4th Respondent himself has issued calculation memo dated 19.01.2019 after recalculating the electricity consumption charges, he cannot refuse to receive the amount which is towards the consumption charges.

8. This Court cannot go into the question of calculation made as it is a factual aspect and this Court sitting under Article 226 of the Indian Constitution, cannot go into disputed factual aspects. However, considering the fact that the petitioner has already remitted 50% of the amount as per the impugned memo and in fact was ready to pay the said amount which was refused to be received by the respondent, this Court directs the petitioner to remit the balance amount 50% as quoted in the impugned memo without any penalty charges within a period of four weeks from the date of receipt of a copy of this order. On such payment being made, the Respondents shall receive the same and continue to collect charges as per meter reading and appropriate consumption of the current from the petitioner for subsequent months.



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9. This Writ Petition is accordingly disposed of with the aforesaid direction. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Executive Engineer (O&M)
TANGEDCO,
Tambaram,
Chennai 600 045.
2. Assistant Executive Engineering,
TANGEDCO,
Medavakkam,
Chennai-600 100.
3. Assistant Accounts Officer,
TANGEDCO,
Pallavaram,
Chennai-600 100.
4. Assistant Engineer,
O&M/CED/South,
TANGEDCO,
Pallikaranai,
Chennai-600 100.

+1cc to Mr. Jai Venkatesh, Advocate, S.R.No.63880

+1cc to Mr. Arun, Advocate, S.R.No.63651

W.P.NO.22820 of 2019
and
W.M.P.Nos.22406 & 22408 of 2019

MG (CO)
SU (07/01/2022)