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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.25004 OF 2021

Anis Granites,
Rep. by its Proprietor,
Mr.K.Mohamed Nabi.

... Petitioner

.Vs.

1. The Executive Engineer,
Operations and Maintenance,
TANGEDCO,
Krishnagiri.

2. The Divisional Engineer,
TANGEDCO,
Rural and Urban,
Krishnagiri.

3. The Superintending Engineer,
Operations and Maintenance,
TANGEDCO,
Krishnagiri.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to revise and re-fix the electricity consumption charges by readjusting the already paid amount in S.C.No. 038 -018 -732 at Thiyagarasanapalli Village by appropriately taking into account the recommendations of the first respondent vide proceedings A.No.208/21 dated 31.07.2021 and on the basis of the representation addressed to the first respondent dated 17.05.2021 on merits and as per law.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.Jai Venkatesh
Standing Counsel for E.B.



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to revise and re-fix the electricity consumption charges by readjusting the already paid amount in S.C.No.038-018-732 at Thiagarasanapalli Village by appropriately taking into account the recommendations of the first respondent vide proceedings A.No.208/21 dated 31.07.2021 and on the basis of the representation addressed to the first respondent dated 17.05.2021 on merits and as per law.

2. The case of the petitioner is that the petitioner is running a small factory under the name and style of 'Anis Granites' and was granted electricity service connection and was paying the current consumption charges without any default. The factory was under complete lockdown with effect from 10.04.2021 and there had been no usage and consumption of electricity, however, he was slapped with electricity consumption charges of Rs.1,72,731/-. The petitioner paid the amount under protest and made representation seeking rectification of the defective meter. Thereafter during the month of May, 2021, the electricity consumption charges was quantified at Rs.1,44,184/- and the petitioner also paid the said amount under protest. The defective meter was replaced by a proper functional meter only during June, 2021.

3. The further case of the petitioner is that the Electricity Board Authorities inspected the petitioner's factory and found that the meter was defective and the average as quantified towards consumption charges between December, 2020 and March, 2021 requires appropriate rectification and reconsideration. Thereafter, the first respondent vide proceedings dated 31.07.2021 addressed to the third respondent recommended that proper functional meter was effective functioning only from June, 2021 and therefore necessary action towards setting at right of the alleged excess amount which has been paid needs reconsideration as well as adjustment in the subsequent bills and since nothing transpired has filed this writ petition.

4. The learned counsel appearing for the petitioner would submit that without going into the merits of the case, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 17.05.2021 in the light of the Government Order in G.O.Ms.No.348, Revenue and Disaster Management (DM-IV) Department dated 20.04.2021 and taking into consideration the recommendation of the first respondent dated 31.07.2021 and to pass appropriate orders within a reasonable time frame.



5. The learned Standing Counsel appearing for the respondents submitted that this Court may consider the limited request made by the learned counsel appearing for the petitioner.

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6. The petitioner claims that due to pandemic situation, his factory was under complete lockdown with effect from 10.04.2021 and there had been no usage and consumption of electricity, however, he was slapped with electricity consumption charges of Rs.1,72,731/- during April, 2021 and thereafter during the month of May, 2021, the electricity consumption charges was quantified at Rs.1,44,184/- and the petitioner paid the said amounts under protest. The petitioner made representation seeking rectification of the defective meter and the defective meter was replaced by a proper functional meter only during June, 2021.

7. Further, the Electricity Board Authorities had inspected the petitioner's factory and found that the meter was defective and the average as quantified towards consumption charges between December, 2020 and March, 2021 requires appropriate rectification and reconsideration. Thereafter, the first respondent vide proceedings dated 31.07.2021 addressed to the third respondent recommended that proper functional meter was effective functioning only from June, 2021 and therefore necessary action towards setting at right of the alleged excess amount which has been paid needs reconsideration as well as adjustment in the subsequent bills.

8. In view of the above and considering the limited request made by the learned counsel appearing for the petitioner, this Court without expressing any opinion on the merits of the case, issues direction to the respondents to consider the petitioner's representation dated 17.05.2021 in the light of the Government Order in G.O.Ms.No.348, Revenue and Disaster Management (DM-IV) Department dated 20.04.2021 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. This Court further directs the respondents to adjust the excess amount paid by the petitioner in the future bills.

9. The writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Executive Engineer,
Operations and Maintenance,
TANGEDCO,
Krishnagiri.

2. The Divisional Engineer,
TANGEDCO,
Rural and Urban,
Krishnagiri.

3. The Superintending Engineer,
Operations and Maintenance,
TANGEDCO,
Krishnagiri.

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.60836

W.P.NO.25004 OF 2021

AD(CO)
PBS/05/01/2022