



W.P(MD)No.4193 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.09.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.4193 of 2013

and

M.P(MD)No.1 of 2013

Saathaiyan

... Petitioner

Vs.

1.The Assistant Engineer,
(Operation & Maintenance),
Tamil Nadu Electricity Board,
Peravurnai Taluk,
Thanjavur District.

2.The Assistant Audit Officer,
Audit Branch,
TANGEDCO,
Tamil Nadu Electricity Board,
Pattukottai,
Thanjavur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to letter No. உ.மி.பொ/நகர்/பேரை/கோ.Audit/2012/D251 dated 20.12.2012 and quash the same as illegal.



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For Petitioner : Mr.C.Bharathi

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The present writ petition has been filed challenging a final assessment order passed by the Electricity Board arising out of Section 135 of the Electricity Act.

2. According to the petitioner, his meter was found to be defective for the period covering between May 2010 – Nov 2011 and hence, an order was issued on 27.01.2012 directing him to deposit a sum of Rs.90,086/- (Rupees Ninety Thousand and Eighty Six only). A working sheet was also annexed to the said order. Thereafter, the petitioner has given a representation pointing out certain errors in the calculation on 17.02.2012. The said representation was rejected by the authorities on 06.11.2012 and thereafter, the present impugned order has been passed on 20.12.2012 directing him to deposit the amount.



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3. As per Regulation 11(2) of Tamil Nadu Electricity Supply Code, whenever the authorities find out that the meter is defective, they have to determine the quantity of the electricity supplied during the period in question by taking the average of the electricity supplied during the preceding four months. In the present case, the working sheet annexed to the order, dated 27.01.2012 indicates that the respondent authorities have taken the average of the electricity supplied from January 2010 – November 2011, which is clearly in violation of Regulation 11 (2) of Tamil Nadu Electricity Supply Code. As per Regulation 11 (2), the respondent authorities ought to have considered the bills 9/9, 11/9, 1/10 and 3/10 alone. A perusal of the working sheet reveals that it is clearly in violation of the above said position of law.

4. In view of the above said facts, the order impugned in the writ petition is set aside. The matter is remitted back to the file of the first respondent herein. The first respondent is directed to pass fresh orders on merits and in accordance with law after giving due opportunity to the writ petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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5. With the above said observations, this writ petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes / No

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To

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2.The Assistant Audit Officer,
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TANGEDCO,
Tamil Nadu Electricity Board,
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R.VIJAYAKUMAR ,J.



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Order made in
W.P(MD)No.4193 of 2013

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