



W.P(MD)No.16995 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **31.10.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.16995 of 2014

and

M.P(MD)Nos.1 & 2 of 2014

C.Subban Chettiar

... Petitioner

Vs.

1.The Executive Engineer,
Tamil Nadu Electricity Board,
Kulithalai,
Karur District.

2.The Assistant Executive Engineer,
Execution and Maintenance,
Chinthamanipatti,
TANGEDCO,
Karur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the monthly consumption charge bill issued to the petitioner, dated Nil, quash the same and consequently forbear the respondents from demanding the difference amount in the following month EB bills and pass such further or other orders as this Court.



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For Petitioner : M/s.J.Anandkumar
For Respondents : M/s.S.Deenadhayalan
Standing Counsel

ORDER

The present Writ Petition has been filed challenging the current consumption bill raised by the second respondent.

2. According to the learned Counsel for the petitioner, they are having IIIA1 service connection meant for horticulture purposes. Though the meter was not defective, the staff from the TANGEDCO had erroneously recorded the reading while taking reading. This was found out by the respondent authorities on a much later point of time, by way of an inspection. Without passing any order or demand notice, the respondent authorities have simply included a sum of Rs.86,680/- in the current consumption bill of the writ petitioner. The said current consumption bill is under challenge.

3. According to the learned Counsel for the petitioner, there is no mistake or fault on the part of the consumer and they have been regularly paying the electricity charges, that are demanded in the current



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consumption bills. However, due to mistake on the part of the EB officials, this order has been passed.

4. Per contra, the learned Standing Counsel appearing for the respondent had contended that the TANGEDCO official has committed a mistake at the time of taking reading.

5. I have carefully considered the submissions made on either side. In case, if the TANGEDCO officials have committed the mistake at the time of taking the reading, the respondent authorities should have put the consumer on notice and only after hearing his objections, order should have been passed. In the present case, no impugned order has been passed, demanding the amount, after affording opportunity to the writ petitioner. Simply the amount has been included in the current consumption bills. Hence, the order impugned in the writ petition is set aside. The respondent authorities are at liberty to issue a show cause notice to the legal heirs of the writ petitioner and after giving due opportunity to the said legal heirs and pass a reasoned order.



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6. With the above said observations, the writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

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Index : Yes / No
Internet : Yes / No
btr

To

1.The Executive Engineer,
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2.The Assistant Executive Engineer,
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R.VIJAYAKUMAR, J.

btr

Order made in
W.P(MD)No.16995 of 2014

31.10.2022