



W.P.(MD) No.6834 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

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and

W.M.P.(MD) Nos.6237 and 6241 of 2020

M/s.Thim Poly Bags,
Rep., by its Managing Partner,
T.Ravi Devaraj,
C-78, 79, SIPCOT Industrial Complex,
Tuticorin-628 008.

.. Petitioner

Vs.

The Superintending Engineer,
Tuticorin Electricity Distribution Circle (TEDC),
Tuticorin, Tuticorin District.

.. Respondent

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the respondent's proceedings made in Lr.No.SE/TEDC/AO/Rev./AAO/HT/AS.2/F.POC/D.No.202/2020, dated 04.06.2020 quash the same, and further direct the respondent herein to return the Adjustment Charges of Rs.1,51,477/- which has been wrongly collected by respondent for the month of March 2020, as well as direct him to assess the bill amount only on 2988 units for the month of April



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2020, in the light of petitioner's representation dated 09.05.2020, within a stipulated period as may be fixed by this Court.

For Petitioner : Mr.R.Sundar

For Respondent : Mr.S.Deenadhayalan
Standing Counsel

ORDER

This writ petition has been filed for the following relief:

“For the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the respondent's proceedings made in Lr.No.SE/TEDC/AO/Rev./AAO/HT/AS.2/F.POC/D.No. 202/2020, dated 04.06.2020 quash the same, and further direct the respondent herein to return the Adjustment Charges of Rs.1,51,477/- which has been wrongly collected by respondent for the month of March 2020, as well as direct him to assess the bill amount only on 2988 units for the month of April 2020, in the light of petitioner's representation dated 09.05.2020, within a stipulated period as may be fixed by this Court.”



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2. It is the case of the petitioner that he has been provided with high tension service to his factory in HT SC No.215. He has been very regular in the payment of electricity charges. While so, he has been served with a bill for the month of March, 2018 to the tune of Rs.8,07,144/- stating that there was a total consumption of 95,398 units. The petitioner would submit that during the relevant period, the consumption was only 28,028 units. Therefore, the petitioner had sent objection on 13.04.2022 stating that the factory had only consumed 28,028 units. He would further submit that his meter had been repaired on 29.03.2020. Therefore, the petitioner had requested the respondent to issue revised invoice showing the actual consumption. However, the officials of the respondent wrongly assumed that the digital meter has developed a fault and therefore, had given such a low reading of 28,028 units. Thereafter, on 15.04.2020, the digital meter was changed and a new meter was installed. While changing the meter, the respondent has not put the petitioner on notice about the same and no prior test was also conducted on 01.04.2020.



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3. The officials of the respondent-Board had changed the meter and it was manually reset on 01.04.2020. Meanwhile, in response to the objection letter filed by the petitioner, the respondent had reduced the consumption charges to a sum of Rs.4,96,724/- for the month of May, 2020. This amount was immediately paid by the petitioner. Thereafter, the respondent had issued claim for a sum of Rs.1,51,477/- which they claim was an adjustment charges. The petitioner was not liable to pay this sum. However, to avoid disconnection, the petitioner had made the payment. Thereafter, the bill for the month of April, 2020 was received, wherein the petitioner was charged for 2,988 units at Rs.18,973.80 at Rs. 6.35 per unit and adjustment charges of Rs.3,09,764/- had been claimed. This claim was totally erroneous, since during the relevant period, there was a lockdown on account of the COVID-19 pandemic. Therefore, the petitioner has come forward with the representation dated 09.05.2020. By proceedings dated 04.06.2020, the respondent had passed an order stating that the meter had become defective for the period from 29.03.2020 to 15.04.2020. This is the order that is the subject matter of challenge in this writ petition.



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4. Mr.R.Sundar, learned counsel appearing for the petitioner would submit that the issue is covered by the judgment of this Court in a batch of writ petitions in W.P.(MD) No.7678 of 2020 etc., dated 12.08.2020.

5. However, Mr.S.Deenadhayalan, learned Standing Counsel appearing for the respondent-Board would submit that the petitioner has an alternate remedy and without exhausting the alternate remedy, he has rushed to this Court.

6. Heard the learned counsel on either side.

7. The judgment, which has been cited by the learned counsel for the petitioner, does not apply to the facts of the case. The facts on hand are simplicitor a case of the petitioner contending that there is an excessive billing whereas, the respondent-Board would submit that it is the fact that there was a defective meter and furthermore, the petitioner has himself made the payment and regularised his account.



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8. Be that as it may, considering the fact that the petitioner has an effective alternate remedy, the petitioner ought to have first exhausted that remedy before coming to this Court. Therefore, this Writ Petition is dismissed. The petitioner is at liberty to approach the appellate Court for further orders challenging the impugned billing. No costs. Consequently, connected miscellaneous petitions are closed.

10.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

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To

The Superintending Engineer,
Tuticorin Electricity Distribution Circle (TEDC),
Tuticorin, Tuticorin District.



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P.T.ASHA, J.

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