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W.P.No.7077 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.7077 of 2021
and W.M.P.Nos.7596, 7599 and 12802 of 2021

N.Pushparajan

... Petitioner

-Vs-

1. The Superintendent Engineer,
Cuddalore Electricity Distribution Circle,
T.N.E.B. Nethaji Road,
Cuddalore – 607 001.

2. The Executive Engineer,
Cuddalore Electricity Distribution Circle,
Kurinjpadi Division,
Kurinjpadi, Cuddalore District – 607 302.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent pertaining to his demand of Rs.2,70,389/- for SC.No.02040010300 (Meter No.3668741) as bi- monthly consumption charges for the period with 28.02.2021, which was raised by way of SMS Message and quash the same and further direct the respondents to replace the existing meter No.3668741.

For Petitioner : M/s P.Srividhya
For Respondents : Mr.V.Venkataseshaiya
Standing Counsel



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ORDER

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This Writ Petition has been filed calling for the records of the second respondent pertaining to his demand of Rs.2,70,389/- for SC.No.02040010300 (Meter No.3668741) as bi- monthly consumption charges for the period with 28.02.2021, which was raised by way of SMS Message and quash the same and further direct the respondents to replace the existing meter No.3668741.

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

3. The petitioner formed a fresh water prawn culture. He had installed motors for running water aeration and obtained electricity connection having a capacity of 47 KB. He had started the fresh water prawn culture during the month of March 2019, after paying due deposits to the second respondent. The petitioner is regularly paying the electricity consumption charges even during Covid -19 pandemic circumstances. However, he could not carry out the prawn culture during Covid -19 pandemic period. Even then, he has to pay minimum charges which is not less than Rs.9000/-. Accordingly, the petitioner had continuously paid the electricity consumption charges for the bi-monthly period



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ending with 01.01.2021. While being so, he had received SMS from the second respondent on 28.02.2021 for the bi-monthly period ending with 28.02.2021 to the tune of Rs.2,70,389/-. It has been challenged in this writ petition, on the ground that it is an exorbitant demand without calculating the meter reading properly. The excess demand is due to malfunctioning of the meter reading.

4. On written instructions, the learned Standing Counsel appearing for the respondents submitted that as per Regulation 12(1) of the Tamil Nadu Electricity Supply Code, if any errors in billing in the amount levied, demanded or charged by the Licensee, the Licensee will have the right to demand an additional amount in case of undercharging and the consumer will have the right to get refund of the excess amount in the case of overcharging. Further, the assessor who assessed the meter reading had charged less consumption charges from the petitioner to the tune of 37,510 Units, for the month of December, 2020. In that regard, the assessor was issued with show cause notice and it was confirmed that the meter reading was not properly assessed by the assessor. Therefore, as per the fresh assessment dated 28.01.2021, the petitioner ought to have paid the consumption charges to the tune of Rs.2,70,389/- and accordingly, the demand was sent by SMS to the petitioner. That apart, as per



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the regulation 18, of the Tamil Nadu Electricity Supply Code, the petitioner ought to have approached the respective Consumer Grievance Redressal Forum constituted under the Tamil Nadu Electricity Act.

5. In view of the above, this Court finds no infirmity or illegality in the demand made by the second respondent and this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition is dismissed. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

04.04.2024

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
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To

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G.K.ILANTHIRAIYAN. J,

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