



W.P.(MD)No.18960 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.18960 of 2015

and

M.P.(MD)No.1 of 2015

S.A.Jeevanantham
S/o.Athimoolampillai,
Proprietor, Vijay Aqua Farm,
Attrankarai Village, Alangulam,
Ramanathapuram District.

... Petitioner

versus

1. The Superintending Engineer (Rural/RMD)
Tamilnadu Electricity Board,
Ramnad Electricity Distribution Circle,
Ramnad.

2. The Assistant Engineer (Distribution)
TANGEDCO,
Pannaikulam,
Ramnad District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
seeking for the issuance of Writ of Certiorari, to call for the records of
the 2nd respondent bill dated 09/2015 for the service No.310.005.400



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directing the petitioner to pay the amount of Rs.1,31,500.70p and quash the same.

For Petitioner : Mr.S.Muthukrishnan

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The petitioner, who is the Proprietor of Vijay Aqua Farm, has filed this writ petition in the year 2015 against the bill issued by the 2nd respondent in the month of September 2015, in and by which, the second respondent has calculated the electricity consumption charges at Rs.1,31,501/- for the month of September 2015.

2. The learned counsel appearing for the petitioner submits that the petitioner is running an Aqua Farm in the name and style of Vijay Aqua Farm and he got electricity service connection in the year 2001. The electricity consumption charges have been levied every month and the petitioner has also paid the electricity consumption charges every month without fail. In the month of September 2015, the petitioner



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noticed that the meter was not running and he immediately informed the same to the second respondent that the meter is not functioning.

The second respondent visited the Aqua Farm and installed a new meter, by removing the old meter. After installing the new meter, the second respondent has calculated the consumption charges for the month of September 2015 and directed the petitioner to pay a sum of Rs.1,31,501/- without any basis and without providing an opportunity of hearing to the petitioner. According to the learned counsel for the petitioner, since it was a non-harvest period, the petitioner Farm had not consumed more electricity at that relevant point of time. Therefore, the amount calculated by the second respondent is arbitrary. Hence, he prays for allowing this writ petition.

3. The learned Standing Counsel appearing for the respondents submits that if the petitioner is having any grievance over the quantum of amount calculated by the second respondent, he can agitate the same before the Consumer Grievance Redressal Forum and therefore, this



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writ petition is not maintainable.

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4. This Court considered the rival submissions made.

5. This writ petition has been filed in the year 2015. While entertaining this writ petition, this Court, by order dated 15.10.2015, granted an order of interim stay on condition that the petitioner shall pay a sum of Rs.40,000/- to the respondents. The petitioner has also paid the amount as directed by this Court.

6. The case of the petitioner is that he only noticed the defects on the meter and he duly intimated the same to the second respondent. The second respondent, without providing an opportunity of hearing, has issued the bill fixing the electricity consumption charges as Rs.1,31,501/-. According to the petitioner, he has completed the harvest in the month of May, June and July 2015. Since it was a non-harvest period, they have not utilized more electricity in the month of



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September 2015.

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6. In view of the same, this writ petition is allowed and the impugned bill issued by the second respondent in the month of September 2015 is set aside and the matter is remanded back to the first respondent for fresh consideration. The first respondent shall consider the consumption charges of the petitioner's Farm for the year 2014 and also consider the case of the petitioner that it was a non-harvest period and he purchased the seeds only on 20.09.2015 and thereafter, pass suitable orders, after providing an opportunity of hearing to the petitioner, within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

03.01.2024

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.



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B.PUGALENDHI, J.

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