



W.P.No.3043 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.3043 of 2024
And
W.M.P.No.3320 of 2024**

R.Hema

... Petitioner

Vs.

1.The Superintending Engineer (O & M),
Tamilnadu Electricity Board,
Nagapattinam Electricity Distribution.

2.The Executive Engineer (O & M),
Tamilnadu Electricity Board,
Sirkazhi.

3.The Junior Engineer (O & M),
Tamilnadu Electricity Board,
Poompuhar.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for bringing up the entire records relating to the impugned proceedings in Letter No. J.E./ O & M/ Poompuhar/ Divisional Audit/ A.No.20/2024 dated 05.01.2024 demanding to pay a sum of Rs.82,909/- and Tax Invoice No.L445240118618912 dated 30.01.2024 demanding a net payable amount of Rs.1,68,417/- on or before 19.02.2024 from the file of the



W.P.No.3043 of 2024

third respondent, being the average amount left out during the electricity reading for the month of 10/2021, 11/2021 and 12/2021, which is said to have been detected by the Auditing Squad and quash the same as illegal and to direct the respondents (1 to 3) to refund the excess amount paid by the petitioner in accordance with the provisions of Regulation 10 of TNERC (Terms and Conditions for Determination of Tariff) Regulations – 2005 (as amended upto 31.12.2009) and sec.62(6) of Electricity Act, 2003, in respect of the electricity connection No.06-551-006-2467 III B CT.74 Kw provided to the Petitioner's Prawn Rearing Farm functioning at Vanagiri, Poompuhar, in Mayiladuthurai District, within a period as may be fixed by this Hon'ble Court.

For Petitioner : Mr.P.L.Narayanan
Senior Counsel
for M/s.J.Ravikumar

For Respondents : Mr.D.B.R.Prabhu
Standing Counsel

ORDER

This writ petition has been filed seeking issuance of Writ of Certiorarified Mandamus calling for the entire records relating to the proceedings in Letter No. J.E./ O & M/ Poompuhar/ Divisional Audit/ A.No.20/2024 dated 05.01.2024 demanding to pay a sum of Rs.82,909/- and Tax Invoice No.L445240118618912 dated 30.01.2024 demanding a net payable amount of Rs.1,68,417/- on or before



W.P.No.3043 of 2024

19.02.2024 from the file of the third respondent, being the average amount left out during the electricity reading for the months of 10/2021, 11/2021 and 12/2021, which is said to have been detected by the Auditing Squad and quash the same as illegal and to direct the respondents to refund the excess amount paid by the petitioner in accordance with the provisions of Regulation 10 of TNERC (Terms and Conditions for Determination of Tariff) Regulations – 2005 (as amended upto 31.12.2009) and Sec.62(6) of Electricity Act, 2003, in respect of the electricity connection No.06-551-006-2467 III B CT.74 Kw provided to the petitioner's prawn rearing farm at Vanagiri, Poompuhar, Mayiladuthurai District.

2.The learned Senior Counsel appearing for the petitioner submitted that the petitioner is running a prawn rearing farm at Vanagiri and for the purpose of maintaining the prawn rearing farm, he was provided with electricity service connection bearing No.06-551-006-2467 III B CT.74 Kw. Prawn farming is a seasonal industry and prawn harvesting is being completed once in every three to four months and the next prawn culture will start only after a gap of two months and during that period, prawn rearing farm will not be functioning. The learned counsel further submitted that during the



W.P.No.3043 of 2024

non functioning period, the petitioner is expected to pay a minimum consumption charges @ 20% as envisaged under Regulation 6 of Tamilnadu Electricity Supply Code.

3.The learned Senior Counsel appearing for the petitioner further submitted that during the months of 10/2021, 11/2021 and 12/2021, the petitioner's prawn rearing farm was not in function and the meter was defective during October and November, 2021 and inspite of that, a sum of Rs.1,30,972 was claimed for the month of 10/2021 and a sum of Rs.78,640/- was claimed for the month of 11/2021 and after fixation of new meter during the month of December, 2021, a sum of Rs.29,046/- was claimed and the petitioner paid the above said amounts totalling Rs.2,38,658/-. The learned Senior Counsel further submitted that the impugned demand was made without conducting any enquiry and hence, this Court may issue direction to the respondents to conduct enquiry, hear the petitioner and to refund the excess amount paid by the petitioner.

4.The learned Standing Counsel appearing for the respondents submitted that the Board of Audit Branch, Trichy pointed out that the meter of the petitioner has been defective for the period



W.P.No.3043 of 2024

10/2021 and 11/2021 and an average unit short fall have been arrived for Rs.82,909/- and the same has been collected from the petitioner.

The learned Standing Counsel further submitted that based on the BOAB Audit Slip, 15 days demand notice has been issued to the petitioner by the third respondent on 27.03.2023 to collect the average shortfall amount and a written complaint was received from the petitioner requesting to cancel the average shortfall amount against the defective period left out due to non harvesting of prawn culture. As per Clause 11(5) of the TNERC Code, the average shortfall amount has been adopted for the defective period for months 10/2021, 11/2021 and 8 days from 01.12.2021 to 08.12.2021 for the month of 12/2021 and the tax invoice of current consumption charges of service connection is calculated.

5.Heard both sides and perused the materials available on record.

6.Perusal of impugned proceedings reveal that no opportunity was given to the petitioner before passing the impugned proceedings. Hence, on the sole ground, the impugned proceedings is set aside and the matter is remanded back to the third respondent. The third



W.P.No.3043 of 2024

respondent is directed to consider the matter afresh, hear the petitioner, conduct enquiry and pass appropriate orders. If it is found that the petitioner has paid excess amount, the excess amount paid by the petitioner shall be refunded to the petitioner or adjusted in future bills.

7.The writ petition is disposed of on the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

25.11.2025

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

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M.DHANDAPANI,J.
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