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W.P.No.27601 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No. 27601 of 2022

and

W.M.P.No.26861 of 2022

Tamil Nadu AIR Products Pvt. Ltd.,
Rep. By its Managing Director,
118, V Cross Street, Collectorate Colony,
Aminjikarai, Chennai – 29.

..Petitioner

Vs.

1.The Supriending Engineer,
Chennai/EDC/North, Tamil Nadu Electricity Board,
144, Anna Salai, Chennai – 2.

2.The Chief Engineer,
Distribution Chennai Region,
Tamil Nadu Electricity Board,
802, Anna Salai, Chennai – 2.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of Writ of Certiorarified Mandamus, calling for the records on the file of the 1st respondent in his proceedings in Lr.No.SE/CEDC/N/AO/R/AAO/HT/AS3/F.HT1403/D.No.3127/22 dated 09.05.2022 and quash the same is arbitrary, in clear violation of the specific



W.P.No.27601 of 2022

directions of this Court, without jurisdiction, unconstitutional and illegal both on facts and on law and direct him to refund the entire amount collected, on the count of inspection on 03.03.93 at its factory it being defective due to 'no current flow through “R” phase CT to the Trivector meter, from the petitioner with applicable rate of interest.

For Petitioner : Mr.T.V.Lakshmanan

For Respondents : Mr.L.Jaivenkatesh
Standing Counsel

ORDER

This Writ Petition has been filed challenging the proceedings of the 1st respondent dated 09.05.2022 and quash the same is arbitrary, in clear violation of the specific directions of this Court, without jurisdiction, unconstitutional and illegal both on facts and on law and direct him to refund the entire amount collected, on the count of inspection on 03.03.1993 at its factory it being defective due to 'no current flow through “R” phase CT to the Trivector meter, from the petitioner with applicable rate of interest.

2. The learned counsel appearing for the petitioner would submit that the petitioner was provided with a service connection by the Tamil Nadu Electricity



W.P.No.27601 of 2022

Board and the petitioner has been paying the electricity charges in accordance with the bill raised by the respondents. While so, on 14.03.1993, the Officials of the respondents checked the electricity meter and it was found that 'R' Phase of CT Secondary lead was found disconnected. Accordingly, proceedings were initiated by the Board and the consumption charges were revised for the period from October, 1990 to February, 1993 and the petitioner was directed to pay a sum of Rs.9,03,665/-. The said claim was disputed by the petitioner and requested for revision of the levy. However, the first respondent refused to revise the bill and accordingly, the petitioner approached the second respondent and the matter was taken up by the second respondent and enquiry was conducted in the presence of the petitioner as well as officials of the respondents.

3. During the time of enquiry, the petitioner submitted that the revision of bill on the basis of consumption pattern was totally wrong as the meter was periodically checked by the electricity officials on several dates and it is also found that on 09.11.1990, the defect in the off scale of the meter was rectified and on 11.12.1991, the meter was removed and replaced by a tested meter on 08.05.1992, again the defect in the off scale of the meter was corrected by the Assistant



W.P.No.27601 of 2022

Engineer. Similarly, on 18.06.1992 and on 15.07.1992, the defect in the off scale was rectified and finally on 17.12.1992, the meter was again replaced by a tested meter by Assistant Engineer of the Board.

4. In such circumstances, the petitioner contended that the revision of bill could only be for the period from 17.12.1992 to 04.03.1993 and the earlier period cannot be taken into consideration for revising the bill. However, the 2nd respondent confirmed the order of the first respondent and aggrieved by the same, the petitioner has filed a writ petition before this Court in W.P.No.17834 of 1999. This Court, by its order dated 26.09.2008 set aside the orders passed by the 1st and 2nd respondent therein and remanded the matter back to the first respondent on the ground, even the petitioner failed to produce the required documents, it cannot be said that there was higher rate of consumption for the period from October, 1990 to February, 1993 and the respondents appear to have resorted the novel method of consumption pattern for the purpose of revising the bill.

5. However, again, the 1st respondent passed a very same order. In the meanwhile, the petitioner paid the entire amount without prejudice to his rights in



W.P.No.27601 of 2022

the year 2011 itself. However, for the purpose of refund, again, the petitioner filed a writ petition in W.P.No.23408 of 2009. This Court, by its order dated 15.07.2019 set aside the impugned order passed by the 1st respondent and remand the matter back to the 1st respondent for fresh consideration and again, the very same order was passed. Challenging the same, the present writ petition is filed.

6. The learned counsel for the respondents would submit that for defective scale of meter, there is no procedure available with the respondent to find out whether the period of defect and further the procedure contemplated under Section 26 was not followed on the sole ground, the present writ petition is filed with appropriate prayer.

7. Per contra, the learned counsel for the respondent Electricity Department would submit that defect of the meter for the period from 1990 to 1993, the initial demand was made against the respondent prior to 1999 and the same was unsuccessfully challenged before this Court by way of two writ petitions and in both the cases, order was set aside and the matter was remanded back to the respondent. He would further submit that in the present petition to set aside the



W.P.No.27601 of 2022

order, the petitioner paid the entire amount to the respondent / Electricity Department, there is no due as on date and the present issue is only with regard to refund of amount to the petitioner, for which, the petitioner filed the present writ petition. Accordingly, he prayed for appropriate order.

8. The facts of the present case is not in dispute. Admittedly, the petitioner is a consumer of the respondent Electricity Board and the respondent conducted an inspection of the petitioner's premises on 14.03.1993 and found that 'R' Phase of CT Secondary lead was found disconnected thereby, they initiated proceedings for defection of meter and the consumption charges was revised for the period from October, 1990 to February, 1997 and directed the petitioner to pay a sum of Rs.9,03,665/-, which is equally undisputed. The entire amount of Rs.9,03,665/- was paid by the petitioner. Initially, he paid Rs.50,000/- with protest and as per the interim order passed by this Court in W.P.No.17834 of 1999, the petitioner paid the balance amount of Rs.4,26,833/- on 19.12.1999 and thereafter, pursuant to the directions issued by this Court again on 27.10.2009, the petitioner paid the balance amount on 23.07.2011.



W.P.No.27601 of 2022

WEB COPY

9. After payment of the balance amount, the matter was remitted by this Court in W.P.No.23408 of 2009 with a direction to consider the petitioner's grievance in terms of 26(6) of the Indian Electricity act and again, the matter was elaborately considered by the 1st respondent, who is an Expert in the field and confirmed the earlier order passed in the year 1999. It is seen that in between the party, the entire amount has been paid and only for the purpose of refund, the present writ petition is filed.

10. However, the Expert has elaborately considered the matter and passed order, the same cannot be revisited under Article 226. This Writ Petition is therefore, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

13.10.2025

Index: Yes/No
Speaking (or) Non Speaking Order
Neutral Citation: Yes/No

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WEB COPY



W.P.No.27601 of 2022

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W.P.No.27601 of 2022

M.DHANDAPANI, J.

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W.P.No. 27601 of 2022

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