



W.P.(MD) No.8624 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.8624 of 2018

and

W.M.P(MD)Nos.8097 & 8098 of 2018

R.Janani

.. Petitioner

Vs.

1.Tamil Nadu Generation and Distribution Corporation,
Rep.by its Superintendent Engineer,
NRT Road,
Theni Post, Theni Taluk,
Theni District.

2.The Executive Engineer,
Distribution,
Tamil Nadu Generation and Distribution Corporation,
Opp to Government Hospital,
Chinnamur Post,
Uthamapalayam Taluk, Theni District.

3.The Assistant Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation,
Karkodai, Uthamapalayam Post,
Theni District.

4.The Junior Engineer,
Tamil Nadu Generation and Distribution Corporation,
Kamayagoundanpatti Post,
Uthamapalayam Post, Theni District.

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records pertaining to the Impugned order in க.எண்.இ.மி.பொ / ப / கா.க.பட்டி / கோ. / வ.ஆ / கோ.க.அ.எண்.75/18 dated 09.03.2018 on the file of the respondent No.4 and quash the same as illegal and consequently direct the respondent No.4 to reassess by adopting the method provided under clause 11(2) and 11(4) of the Tamil Nadu Electricity Supply Code, 2004 within the time period stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Fazil
for Mr.T.Lajapathi Roy

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

This writ petition is filed for the following relief :

“to call for the records pertaining to the Impugned order in க.எண்.இ.மி.பொ / ப / கா.க.பட்டி / கோ. / வ.ஆ / கோ.க.அ.எண்.75/18 dated 09.03.2018 on the file of the respondent No.4 and quash the same as illegal and consequently direct the respondent No.4 to reassess by adopting the method provided under clause 11(2) and 11(4) of the Tamil Nadu



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Electricity Supply Code, 2004.”

2. It is the case of the petitioner that she and her husband, a serving Army Officer were in possession of the property situated in D.No.29/A, Kasthuribai School Street, Kamayagoundanpatti Post, Uthamapalayam Taluk, Theni District. Her husband had obtained electricity service connection in Service Connection No.552-009-483 from the respondents. The petitioner would submit that her husband used to return to the native village only during holidays and festivals to visit his mother who is the only person residing in the said premise.

3. The petitioner would submit that the current consumption charges for the property ranged between Rs.600 – Rs.700 only and the same was being paid by the petitioner's mother-in-law. When she had approached the 4th respondent to pay the current consumption charges for the month of August and September, she was instructed to pay a sum of Rs.9,656/-. The petitioner's mother-in-law was shocked by the same as she has never consumed so much of electricity and the charges appeared



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exorbitant. Therefore, she had made a complaint, dated 16.09.2016 to the 4th respondent. However, no effective action was taken. Once again on 22.09.2016, the petitioner's mother-in-law had given yet another complaint referring to the earlier complaint dated 16.09.2016 before the 4th respondent. This was followed by legal notice dated 24.10.2016. Since there was no response, the petitioner's husband had approached the District Consumer Disputes Redressal Forum in C.C.No.7 of 2017. The Commission had allowed the complaint and directed the 4th respondent to restore electricity connection within a period of three weeks and the same was also reconnected. The petitioner would further submit that she has been advised to state that in an identical case, this Court had directed TANGEDCO to take the average of electricity supplied during the preceding four months for arriving at the amount payable. Therefore, the petitioner's husband filed W.P(MD)No.22703 of 2017 seeking a mandamus directing the respondents to restore the electricity connection to the petitioner's house situated the above referred address. This Court had directed the respondents to consider the representation and pass orders after affording personal hearing to the petitioner. Thereafter, the



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electricity was restored on 03.03.2018. Thereafter, the impugned order is passed on 09.03.2018 by the 4th respondent, wherein it is stated that the meter was removed on 13.02.2018 and that the test was carried out on the meter by a TNEB officer, Theni, who opined that the meter was functioning correctly before its reinstallation on 23.02.2018 and the electricity supply was restored on 03.03.2018. The impugned order directed the petitioner to pay a sum of Rs.17,653/-. Challenging the same, the petitioner is before this Court.

4. The main objection of the petitioner is that the test has not been carried out in the manner provided under the Provisions of Tamil Nadu Electricity Supply Code, 2004 and for not following the various judgments.

5. The 4th respondent has filed a counter affidavit *inter alia* contending that there are two service connections in the building and both are in the name of the petitioner's husband. The petitioner's mother-in-law resides in the ground floor enjoying one service connection and



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the first floor having a different service connection has been let out to a third party. The dispute is with reference to the service connection in respect of the property under the enjoyment of the petitioner's mother-in-law. It is the contention of the 4th respondent that immediately on receiving the complaint, they have inspected the service connection and found the meter box be in good condition and the same was also intimated to the consumer and directed to pay consumption charges. The petitioner's husband was not satisfied and had preferred a complaint dated 23.09.2016 before the 3rd respondent. On receiving the complaint, the 3rd respondent had inspected the meter and found it in a good condition. Consequently, the 4th respondent would further submit that they have challenged the order passed by the Consumer Grievance Redressal Forum before the State Consumer Redressal Commission and the same is yet to be numbered as there is a delay. He would further submit that the meter was taken for inspection after giving due notice to the consumer and in the presence of Village Administrative Officer. He would submit that the meter has been correctly tested and no exception can be taken for the same and it is only after the report that both the



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respondents have given notice to the consumer. Therefore, they prayed for dismissal of the writ petition.

6. The learned counsel appearing for the petitioner would submit that the respondents have not tested the meter as directed under the Tamil Nadu Electricity Supply Code. He had also relied upon the judgment of this Court in **2017 (1) LW 954 (Dr.I.Mansoor Vs. The Assistant Engineer, TANGEDCO)**, wherein this Court was considering a similar case where the actual consumption calculation has to be made only by taking average of the previous 4 months and subsequent 4 months. He would also submit that the meter reading from 01.06.2017 to show the normal consumption of electricity charges.

7. Per contra, the learned Standing Counsel appearing for the respondents would submit that the inspection has been done and the meters are found to be in order. Therefore, the impugned order cannot be assailed. As per the Tamil Nadu Electricity Supply Code, in case of a defective meter, the Board has to follow the provisions contained in



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clause 7, 9 hereunder, which reads as follows:

“(7) Where metering of the High Tension service connection is on the Low Tension side i.e. on the secondary side of the Transformer:

(i) The average losses in the transtformer shall be calculated as follows and added to the energy consumption indicated by the meter :-

$$\text{Average loss} = 720 \times 1.0 \times C$$
$$\text{----- units per month}$$
$$100$$

where C = KVA rating of the transformer

(ii) The transformer loss arrived at by the above formula shall be added to the energy consumption, even when the recorded energy consumption is nil.

Iii) 1% of the transformer capacity for transformer above 63 KVA. will be added to the recorded maximum demand on the Low Tension side to arrive at the equivalent High Tension demand

(9) If the consumer considers that the meter is defective, he may apply to the Licensee to have a special test carried out on the meters at any time and the cost of such a test shall be borne by the Licensee or the consumer according as the meter is found defective or correct as a result of such a test. [The aforementioned special test for the disputed energy meters



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including the suspected/defective meters shall be carried out in the Third Party testing laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories (NABL) and till such time the Third Party Meter Testing Arrangement is established, the licensee shall have the special test conducted by the Chief Electrical Inspector to Government of Tamil Nadu]. The meter shall be deemed to be correct if the limits of error do not exceed those laid down in the relevant rules made under the Act. The consumer may also be allowed to install a check meter after recalibration by the Licensee. Such check meter shall be of high quality, high precision and high accuracy and sealed by the Licensee. Whenever the Licensee's meter becomes defective the check meter reading may be taken for billing.”

8. Admittedly such an exercise has not been conducted in the instant case. Further, even the inspection done by the respondent clearly shows that there is no defect in the meter and all the subsequent readings are only within the range Rs.50 -70/-. In the case of ***Dr.I.Mansoor Vs. The Assistant Engineer, TANGEDCO*** referred supra, the learned Judge has considered Clause 11 of the Tamil Nadu Electricity Supply Code. The same is extracted as follows :



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“8. If we have a cursory reading of Clause 11 of the said Code, sub-clause (2) can also be usefully referred to hereunder:

“14(2) The quantity of electricity supplied during the period in question shall be determined by taking the average of the electricity supplied during the preceding four months in respect of both high tension service connections and low tension service connections, provided that the conditions in regard to use of electricity during the said four months were not different from those which prevailed during the period in question.”

According to the said sub-clause, the quantum of electricity supplied during the period in question shall be determined by taking the average of the electricity supplied during the proceeding four months, has also been provided for. When that being so, whether the calculation made by the respondent by taking into account the four months average consumption after rectification is made is justifiable one has to be looked into. As has been given, either to take four months average prior to the fault of the Metre or four months average subsequent to the rectification of the faulty Metre, the procedure to be adopted by the respondent is to have a calculation in both ways and if there is any vast difference of average between proceeding four



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months and succeeding four months of faulty Metre period, then certainly the mean average between these two periods shall be taken into account.

9.In the present case, the petitioner has three connections. Either the petitioner might have consumed lesser power prior to May 2009 and higher Units after May, 2013 or vice versa and therefore, in order to ascertain the actual consumption calculation has to be made only by taking average of previous four months and subsequent four months. Here in this case no such procedure is adopted by the respondent. Therefore, this Court is of the view that the impugned order has to be quashed and the matter can be remanded back for being reassessed by adopting the method provided under Clause 11(2) and 11(4) of the Code.”

9. Therefore, in the light of the above, the impugned order has no legs to stand, more particularly when the very report of the respondents state that there is no defect in the meter and the correct consumption once again falls to the range of Rs.50 – 70/-. The respondents having failed to follow the procedure contemplated under Tamil Nadu Electricity Supply Code cannot sustain the impugned order.



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10. Therefore, this Writ petition is allowed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

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NCC : Yes/No

Index : Yes/No

Internet : Yes

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