
(2003) 09 MAD CK 0049

In the Madras High Court

Case No : Writ Petition No. 14414 of 2001 and W.M.P. No's. 21394 and 21395 of 2001

Bhel Ancillary Association

APPELLANT

Vs

The State of Tamilnadu and Others

RESPONDENT

Date of Decision : 02-09-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : AIR 2004 Mad 252

Hon'ble Judges : A.K. Rajan, J

Bench : Single Bench

Advocate : Sridhar, for the Appellant; E. Sampathkumar Govt. Advocate for 1st respondents and V.R. Adhkrishnan, for R2 to R7, for the Respondent

Judgement

A.K. Rajan, J.—The petitioner filed the above writ petition seeking to issue a writ of Mandamus to direct the respondents to remove the

defects pointed out, in the new VICTRI electronics meter and its system fixed in the Industries and Factories and to dispense with the 25%

additional charge levied for the welding load for the Industry and Factories of the members of the petitioners Association.

2. In the affidavit filed in support of the writ petition, it is stated that originally mechanical meters have been installed and due to power fluctuation

of voltage they used to collect 25% in addition to the actual consumption shown in the mechanical meters. Subsequently electronic meters were

installed and these meters show the actual consumption including the power loss due to fluctuation in the supply of electricity. It is further stated that

apart from collecting entire amount of the consumption charges including the charges for the loss of power, the respondent has also demanded

25% on the total consumption as it was levied when mechanical meters were installed.

3. The main contention of the petitioner is that the said 25% was collected only to compensate the power loss which was recorded in the

mechanical meters; but that loss also is measured and calculated after installation of electronic meter. But even thereafter they collected an

additional 25% which is not legally sustainable. In this regard, the petitioner has given number of representations to the respondents Board. The

second respondent has sent his reply in his letter D.O.No.149/CHO/PS/2000 dated 25.10.2000 but did not do anything. Hence, the above writ

petition.

4. The respondent Board has not filed any counter-affidavit.

5. Heard learned appearing for the petitioner and the respondents as well.

6. Learned counsel appearing for the petitioner has submitted that the collection of 25% on the consumption charges over and above the actual

amount, even after installing the electronic meter, which in fact shows the actual power loss, is against the law. This argument of the learned counsel

for the petitioner is acceptable.

7. The said 25% additional amount was collected earlier only for the power loss; when the power loss has been actually collected, they cannot

once again collect the additional 25% for the loss of power. Therefore, there appears to be no valid reason for the collection of 25% additional

charges when the electronic meters actually records the power loss and the charges are collected for that also.

8. Whatever that may be, even though number of representations have been given by the petitioner none of them have been answered by the

respondents Board. In the circumstances the respondent concerned is directed to consider the representations of the petitioner, and pass orders, in

accordance with law on merits, within a period of two months from the date of receipt of a copy of this order.

9. The petitioner is at liberty to approach this Court, if it is so aggrieved by the order that may be passed by the Board. In so far as 25% of the

additional levy is concerned, the respondent cannot levy that where the electronic meters already show the actual power loss (to compensate

which the 25% additional levy is charged).

With the above observation, the writ petition is disposed of. No costs. Consequently, connected W.M.P. Nos. are closed.