

The Kcp Ltd. Vs. the Superintending Engineer.

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SooperKanoon Citation : sooperkanoon.com/915594

Court : Chennai

Decided On : Mar-30-2011

Judge : Mr.Justice R.Sudhakar, J.

Appeal No. : rit Petition No.8048 of 2011 and M.P.Nos.1 and 2 of 2011.

Appellant : The Kcp Ltd.

Respondent : The Superintending Engineer.

Advocate for Def. : Mr.A.Selvendran, Adv.

Advocate for Pet/Ap. : Mr.Palaniselvaraj, Adv.

Judgement :

1. Writ Petition is filed praying to issue a Writ of Mandamus, directing the respondent to implement 20% power cut and allow the petitioner to achieve the quota demand of 3400 KVA and utilize the quota energy of 7,19,504 units every month from March, 2011 and to permit the petitioner to utilize/consume the energy generated/banked through wind mills in addition to the quota fixed and prepare the CC bill accordingly instead of fixing the quota demand of 2562 KVA and quota energy of 16401 units and consequently direct the respondent to refund the total sum of Rs.12,37,292/- to the petitioner wrongly levied and collected towards penalty (Rs.4,05,884/- from June 2010 to September 2010 and Rs.8,31,408/- in February, 2011).

2. Mr.A.Selvendran, learned counsel takes notice on behalf of the respondent electricity board. By consent of both the parties, the writ petition is taken up for final disposal.

3. Petitioner is a consumer of High Tension Electricity Power supply under HT SC No.1044. Petitioner's grievance is that in spite of the power cut restrictions imposed under letter No.SE/CEDC/NORTH/AEE/GL./ F.Power cut / D.1103/2009 dated 15.6.2009, respondent department has arbitrarily reduced the demand quota and energy quota thereby the petitioner is mulcted with penalty for exceeding the quota restrictions. Petitioner in this regard frequently complained by way of letters addressed to the department about the reduction in quota in the monthly bills, without any basis. The last of the letter is dated 5.3.2011 and that has been acknowledged by the respondent. It is fairly stated by the learned counsel for the petitioner that in order to avoid disconnection and maintain cordiality, petitioner is paying the amount as per the bill raised. However, their objections that the reduction in the demand quota and energy quota is arbitrary has been set out in the letters.

4. In this regard, it is stated by the petitioner that the Superintending Engineer, Chennai (North) Circle, has been repeatedly requested to reconsider and restore the demand quota and energy quota as per proceedings dated 15.6.2009 which has not been do so far. Hence, the present writ petition has been filed.

5. At this point of time, this Court is not inclined to consider the merits and the demerits of the petitioner's claim, except to direct the respondent to consider the representation/letter dated 5.3.2011 within a period of three weeks from the date of receipt of a copy of this order on all aspects of the claim made as per law and pass a reasoned order on merits. Petitioner shall also be given personal hearing in this matter before deciding the issue.

6. The Writ Petition is disposed of as above. No costs. Consequently, connected miscellaneous petitions are closed.