

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.10223 of 2015

and

M.P.No.1 of 2015

M/s.ARS STEELS & ALLOY

INTERNATIONAL PVT. LTD.,
(Formerly known as M/s.ARS Metals Ltd.),
H.T.Sc.No.1902,
D-109, 2nd Floor, L.B.R. Complex,
Anna Nagar East, Chennai - 600 102,
Rep. by its Deputy Director N.Prabu

.. Petitioner

- Vs -

1. The Chairman and Managing Director,
TANGEDCO,
144, Anna Salai, Chennai - 600 002.

2. Superintending Engineer,
Chennai Electricity Distribution Circle/North,
TANGEDCO,
144, Anna Salai, Chennai - 600 002.

.. Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 2nd respondent to refund the amount collected in excess, unauthorisedly against the Regulations framed by the Tamil Nadu Electricity Regulatory Commission, towards delayed payment charges from the petitioner while granting additional demand in H.T.Sc.No.1902, A.R.S. Metals Ltd., as requested in the petitioners representation dated 24.03.2015.

Petitioner : Mr.K.Seshadri

For Respondents : Mr.P.R.Dhilip Kumar
Standing Counsel for TNEB

O R D E R

By consent the writ petition is take up for final disposal.

2. The petitioner claims that it's industry is a continuous process industry in the manufacture of billets with induction melting furnace, having high tension electricity supply in H.T.Sc.No.1902 and it was sanctioned with a maximum demand of 11800 K.V.A. to run the said industry. It is providing employment to about 2000 persons.

3. It is the case of the petitioner that the first respondent was not able to supply power from 01.11.2008 onwards and after getting approval from the Tamil Nadu Electricity Regulatory Commission, the first respondent is enforcing restrictions and control measures for using of power supplied by the Board and quota demand fixed by the respondents is insufficient and there is heavy penalties imposed on the exceeded demand and therefore the petitioner was constrained to apply for the additional demand of 10,000 K.V.A. over and above the existing sanctioned demand of 11,800 K.V.A. to meet the requirements in the industry.

4. It is further stated that the petitioner in order to increase the production in the industry and to meet the financial commitments to various banks and private financial institutions invested huge amounts, constructed extra buildings and erected new machinery. The petitioner has applied for an additional demand of 10,000 K.V.A. with an undertaking required by the second respondent on 05.08.2013. The second respondent also requested the petitioner to pay a sum of Rs.80,00,500/- towards registration charges and earnest money deposit and it was directed to pay the said amount within 15 days for sanction of the said additional demand. The petitioner paid the said amount on 08.08.2013.

5. It is the further case of the petitioner that the second respondent once again made request dated 07.03.2014 to the petitioner to pay a sum of Rs.35,00,000/- towards development charges, Rs.65,40,000/- as service connection charges and Rs.60,000/- towards balance meter caution deposit with a direction to execute revised agreement. The second respondent also claimed interest if the said amount is not paid within a period of 15 days and the petitioner was also sanctioned the demand of 10,000 K.V.A.

6. The petitioner finds it difficult to pay within 15 days and he approached the second respondent for extension of time and it was refused to be granted but at the same breath, the second respondent collected Rs.18,93,750/- towards delayed payment. The grievance expressed by the petitioner is that the second respondent has no authority of law to collect the said sum towards delayed payment charges and submitted a representation dated 24.03.2015 and since it has not been favoured with any response, the petitioner has come up with this writ petition.

7. I have heard the learned counsel appearing for the petitioner and Mr.P.R.Dhilip Kumar learned standing counsel accepts notice for respondents 1 and 2.

8. This Court taking into consideration the limited scope of the prayer made in the writ petition, without going into the merits of the application submitted by the petitioner, directs the second respondent to consider and dispose of the application of the petitioner dated 24.03.2015, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. This writ petition is disposed of accordingly. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

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To

1. The Chairman and Managing Director,
TANGEDCO, 144, Anna Salai, Chennai - 600 002.
2. The Superintending Engineer,
Chennai Electricity Distribution Circle/North,
TANGEDCO, 144, Anna Salai, Chennai - 600 002.

1 cc to Mr.K. Seshadri, Advocate, Sr. 19536

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