

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.05.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN

W.P.Nos.14131 to 14133 of 2015

M/s.ARS Metals Ltd.,
now known as ARS Steels & Alloys
Internatinal Private Limited,
H.T.Sc.No.1781,
F42, to 52 SIPCOT Exports
Promotion Industrial Park,
Gummidipoondi, Thiruvallur District
represented by its Deputy Director,
N.Prabu ... Petitioner in WP.No.14131/15

M/s.ARS Metals Ltd.,
now known as ARS Steels & Alloys
International Private Limited,
H.T.SC.No.1902,
39-52, EPIP, B 1/S, SIPCOT Industrial Complex,
Gummidipoondi,
Thiruvallur District, - 600 102
represented by its Deputy Director
N.Prabu ... Petitioner in WP.No.14132/15

M/s..Arum Smelters (P) Ltd.,
H.T.SC.No.1616,
54, 1st Lane, Pantheon Road, Egmore,
Chennai-600 008,
represented by its General Manager,
K.Venkataraman ... Petitioner in WP.No.14133/15

vs

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. ... Respondents in all Wps.

Prayer in W.P.No.14131/15 : Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the second respondent to permit the petitioner to pay the Additional Current Consumption Deposit of Rs.10,47,930/- alone in 10 monthly installments along with the regular current consumption charges, if the same is not adjusted from the amounts due to the petitioner towards price for the energy supplied to the respondents, for its H.T.Service Connection No.1781, M/s.ARS Metals Ltd., now known as ARS Steels & Alloys International Private Limited.

Prayer in W.P.No.14132/15 : Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the second respondent to permit the petitioner to pay the Additional Current Consumption Deposit of Rs.1,31,94,415/- alone in 10 monthly installments along with the regular current consumption charges, if the same is not adjusted from the amounts due to the petitioner towards price for the energy supplied to the respondents, for its H.T.Service Connection No.1902, M/s.ARS Steels & Alloys International Private Limited.

Prayer in W.P.No.14133/15 : Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the second respondent to permit the petitioner to pay the Additional Current Consumption Deposit of Rs.1,12,08,780/- alone in 12 monthly installments along with the regular current consumption charges, for its H.T.Service Connection No.1616 M/s.Arun Smelters Pvt. Ltd.,

For Petitioner : Mr.K.Seshadri
(in all WPs)

For Respondents : Mr.P.R.Dilipkumar
Standing Counsel for TANGEDCO

COMMON ORDER

By consent on either side, the writ petitions are taken up for final disposal at the admission stage itself.

2.The writ petitions have been filed by the petitioners for issuance of writ of Mandamus directing the second respondent to permit the petitioner to pay the Additional Current Consumption Deposit of Rs.10,47,930/- and Rs.1,31,94,415/- only in 10 monthly installments respectively and Rs.1,12,08,780/- only in 12 monthly installments along with the regular current consumption charges, if the same is not adjusted from the amounts due to the petitioner towards price for the energy supplied to the respondents, for its H.T.Service Connection Nos.1781, 1902 and 1616 respectively.

3.Learned counsel for the petitioners submitted that the petitioner(s)/industries are continuous process industry and having HT Service Connections. The petitioners have already paid Security Deposit. As per Regulation (5)(ii)(a) of the Tamil Nadu Electricity Supply Code, 2004, the Current Consumption Deposit should be two times of the monthly average of the electricity charges for the preceding twelve months prior to April every year. On a review adequacy of the current consumption deposit at the credit of HT supply to the petitioners, as per Regulation 5(5)(ii)(a) of the Tamil Nadu Electricity Supply Code, the respondents called upon the petitioners to pay additional current consumption deposit in one lump sum on or before 10.05.2015. Additional Current Consumption Deposit to be paid by the petitioners to the respondents is as follows:

Sl.No	HT SC No.	Name of the Mill	Amount to be deposited Rs.
1	1781	M/s.ARS Metals Ltd.,	10,47,930/-
2	1902	M/s.ARS Metals Ltd.,	1,31,94,415/-
3	1616	M/s.Arun Smelters Pvt. Ltd.,	1,12,08,780/-

4. It is brought to the notice of this Court that the decision of the Madurai Bench of this Court in TAMIL NADU ELECTRICITY BOARD, REPRESENTED BY ITS CHAIRMAN, CHENNAI & ANOTHER V. MANI SPINNING MILLS (P) LTD., represented by its General Manager, G.R.SAMBANDAM & OTHERS, wherein paragraph-9 of the order has been held as follows:

"9. It was stated that the respondent(s)/writ petitioner(s) have paid three installments as per the order of the Writ Court and the remaining amount is payable in three equal installments commencing from August, 2012, So far as the remaining amount, the first installment is payable on or before 10th August, 2012, the second installment shall be payable on or before 10th September, 2012 and the third installment is payable on or before 10th October, 2012, Failure to pay any one of the installments, it is open to the appellant Electricity Board to proceed against the respondent(s) / writ petitioner(s) in accordance with law. Accordingly, the order of the Writ Court is modified and the Writ Appeals are partly allowed. No costs. Connected Miscellaneous Petitions are closed.

5.Since the petitioners are placed in similar circumstances, this Court is inclined to follow the same lines. Therefore, the petitioners are directed to pay the remaining amount in three equal installments commencing from June,2015. So far as the remaining amount, the first installment is payable on or before 1st June, 2015, the second installment shall be payable on or before 1st July, 2015 and the third installment is payable on or before 1st August, 2015. Failure to pay any one of the installments, will

enable the second respondent/Electricity Board to proceed against the petitioners, in accordance with law. Accordingly, the writ petitions are partly allowed. No costs.

Sd/-
Vacation Officer

//True Copy//

Sub Assistant 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.

+3cc's to Mr.K.Seshadri, Advocate, S.R.No.25028 & 25029

+3cc's to Mr.P.R.Dilipkumar, Advocate, S.R.No.25030 to 25032

W.P.Nos.14131 to 14133 of 2015

JP (CO)
CA (14/05/2015)

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