

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.05.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.14145 of 2015

Thangavelu Textiles Mills (P) Ltd.,
represented by its Manager
S.Aravindhan

... Petitioner

.. Vs ..

1. The Chairman
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
144, Anna Salai,
Chennai - 600 002.
2. The Superintending Engineer,
Salem Electricity Distribution Circle,
TANGEDCO
Salem.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the second respondent to permit the petitioner to pay the Additional Security Deposit of Rs.12,92,899/- alone in 12 equal monthly instalments along with the regular current consumption charges.

For Petitioner : Mr.AR.L.Sundaresan,
Senior Counsel
for M/s.R.S.Pandiyaraj

For Respondents : Mr.S.K.Rameshwar

O R D E R

The petitioner has come up with the present writ petition for a writ of mandamus directing the second respondent to permit the petitioner to pay the Additional Security Deposit of Rs.12,92,899/- alone in 12 monthly instalments along with the regular current consumption charges.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. Learned counsel appearing for the respondents/Electricity Board opposed for granting 12 monthly instalments for payment of regular current consumption charges by relying upon a Judgment of the Division Bench of Madurai Bench of this Court in Writ Appeal (MD) Nos.407 to 412 of 2012 reported in CDJ 2012 MHC 4380 [Tamil Nadu Electricity Board, Represented by its Chariman & Another Vs. Mani Spinning Mills (P) Ltd., represented by its General Manager G.T.Sambandam & Others]. In the said judgment, the Hon'ble Division Bench has held that as per the amended provision, Additional Security Deposit should be collected in three instalments commensurate with billing cycle. Further, the Division Bench has observed that when the Electricity Supply Code stipulates the appellants to pay Additional Security Deposit in three instalments, the Writ Court was not right in granting relief against the right in fixing twelve equal monthly instalments in that case and such direction is in violation of the express statutory provisions. Thus, by relying upon the said judgment, the learned counsel appearing for the Electricity Board submitted that when the Electricity Supply Code states that the consumer has to pay the Additional Security Deposit in three instalments, the prayer of the petitioner seeking permission to pay the Additional Security Deposit in 12 monthly instalments is not sustainable.

4. Learned Senior Counsel appearing for the petitioner, by relying upon the judgment of the learned single Judge of this Court in W.P.Nos.13156, 13189, 13190, 13195, 13390 & 13391 of 2014, dated 08.05.2014, submitted that the learned Single Judge of this Court, by considering the Division Bench judgment referred to supra, has granted four instalments on a reasoning that there was acute power crisis due to vagaries of nature and inadequacy of power generation. Thus, the learned Senior Counsel appearing for the petitioner submitted that still there is power crises and hence, he prayed that the petitioner may also be permitted to pay the Additional Security Deposit charges on twelve monthly instalments.

5. Keeping in mind the submission made by the learned Senior Counsel appearing for the petitioner and also following the judgment of the learned Single Judge of this Court in W.P.Nos.13156, 13189, 13190, 13195, 13390 & 13391 of 2014, I am of the opinion that four instalments could be given to the petitioner for payment of Additional Security Deposit. Accordingly, the second respondent is directed to permit the petitioner to pay the Additional Security

Deposit of Rs.12,92,899/- in four instalments, the first of which shall be paid by 10.06.2015.

6. This Writ Petition is disposed of in the above terms. No costs.

Sd/-
Vacation Officer(CS II)

//True Copy//

Sub Assistant Registrar

Jrl/mra

To

1. The Chairman
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
144, Anna Salai,
Chennai - 600 002.
2. The Superintending Engineer,
Salem Electricity Distribution Circle,
TANGEDCO
Salem.

+1cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.25145

W.P.No.14145 of 2015

JSV(CO)
CA(20/05/2015)

सत्यमेव जयते

WEB COPY