

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.15431 of 2015

M/s.Kannappan Alloys and Steels Pvt Ltd.,
HTSC No.462,
S.F.No.262.2.264/2B
Annuppatty,
Palladam Taluk,
Tirupur 641664
Rep. By its Managing Director T.S.P.Kannappan

... Petitioner

- Vs -

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai, Chennai 600 002.
2. The Superintending Engineer,
Tiruppur Elec. Distribution Circle,
Tamil nadu Generation and Distribution
Corporation Limited, [TANGZEDCO]
Tiruppur.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 2nd respondent to permit the petitioner to pay the Additional Security Deposit of Rs.1,35,62,185/- alone in twelve equal monthly installments along with the regular current consumption charges.

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

For Respondents : Mr.S.K.Rameshwar

ORDER

By consent, the writ petition itself is taken up for final disposal.

2. The petitioner is a private limited company and it is having a High Tension electricity service connection bearing HT SC No.462 which comes under the jurisdiction of the 2nd respondent. The petitioner company is engaged in manufacturing steel products and it is giving employment opportunities to several hundreds of rural people. It is stated by the petitioner that it is already keeping a security deposit of Rs.17,28,115/- and as per Regulation 5(5)(ii)(a) of The Tamil Nadu Electricity Supply Code, 2004, the security deposit (CCD) should be two times of the average of the electricity charges for the preceding twelve months prior to April, 2015. It is further stated by the petitioner that the petitioner is a monthly billed consumer. While so the 2nd respondent by his letter dated 30.04.2015 called upon the petitioner to pay additional security deposit of Rs.1,35,62,185/- over and above the existing security deposit in one lump sum and further indicated that in the event of failure to pay the additional security deposit, the electricity service connection would be disconnected. It is the specific case of the petitioner that it is already struggling for survival due to severe power cut which led to production loss and there is also a continuous recession in the industry. Therefore, the petitioner company has come forward with this writ petition for appropriate direction permitting them to pay additional security deposit in twelve equal monthly instalments.

3. Mr.AR.L.Sundaresan, the learned senior counsel appearing for the petitioner would draw the attention of this court to the order dated 14.05.2015 made in W.P.(MD) No.8204 of 2015 and would submit that this court, in a similar fact and circumstance, permitted the petitioner therein to pay the additional security deposit in six equated monthly instalments along with regular current consumption charges. Since the petitioner company is also similarly placed, the learned senior counsel prays that similar order may be passed in this writ petition also.

4. Per contra, Mr.S.K.Rameshwar, the learned standing counsel, who accepts notice for the respondents would submit vehemently contend that in the judgement reported in Tamil nadu Electricity Board v. Mani Spinning Mills (P) Limited, CDJ 2012 MHC 4380 [W.A.(MD) Nos.407 to 412 of 2012 dated 02.08.2012] a Division Bench of this court has directed the respondent therein to pay the amount in three equal instalments.

5. The attention of this court was also drawn by the learned standing counsel to another order in M/s.ARS Metals Ltd v. The Chairman and Managing Director, TANGEDCO Ltd., and another [W.P.Nos.14131 to 14133 of 2015 dated 07.05.2015] wherein a learned single Judge of this Court directed the petitioner therein to pay the amount in three equal monthly instalments. Hence, the learned standing counsel prays for dismissal of the writ petition.

6. This court has carefully considered the rival submissions and also perused the materials placed before this court.

7. It is not in serious dispute that there is a severe power shortage which affected mainly the industries having HT electricity service connection. The petitioner company is not challenging the legality of demand notice and it only prays for further time to pay the amount in equated monthly instalments. This court, in similar fact and circumstances, has granted such a relief in W.P.No.8204 of 2015 on 14.05.2015 [cited supra]. Hence, this court is inclined to grant the relief to the petitioner to pay the additional security deposit in six equated monthly installments.

8. In the result, this writ petition is disposed of with a direction to the petitioner to pay the additional security deposit of Rs.1,35,62,185/- in six equal monthly instalments along with regular current consumption charges commencing from 1st week of July 2015 failing which it is open to the respondents to initiate appropriate action in accordance with law. No costs.

Sd/-
Assistant Registrar(CS III)

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Sub Assistant Registrar

kmk

To

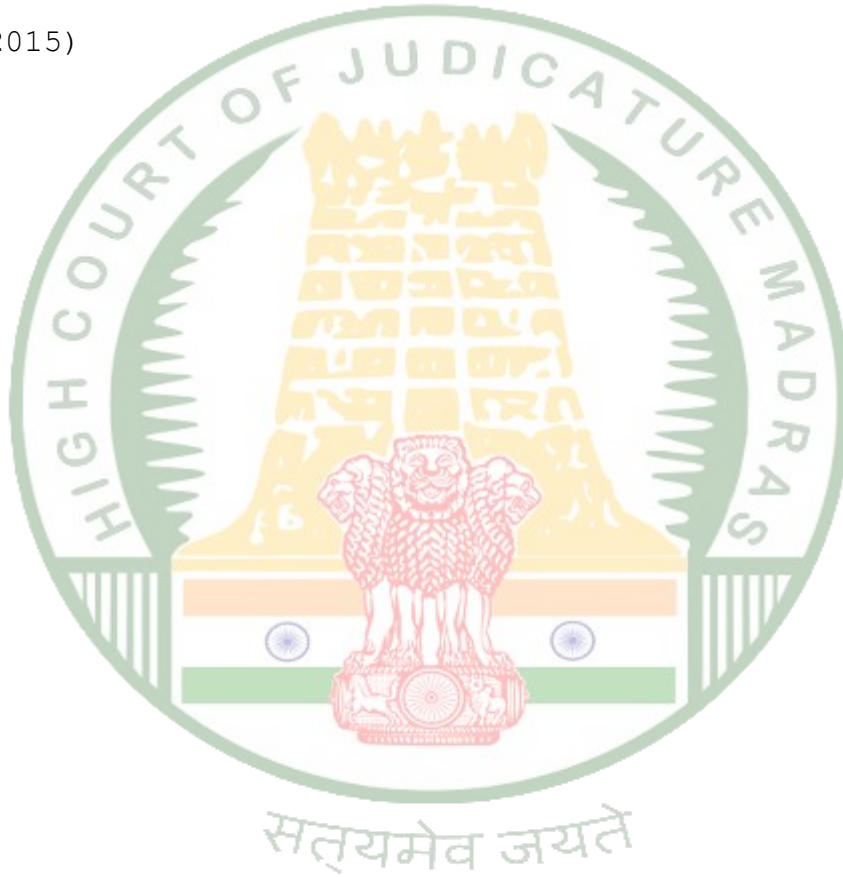
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+1cc to M/s.R.S.Pandiyaraj, Advocate, S.R.No.25965

W.P.No.15431 of 2015

NM(CO)
CA(16/06/2015)



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