

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.18073 of 2015

A.Mariadoss

... Petitioner

Vs.

- 1 The Chairman
Tamilnadu Generation and Distribution
Corporation Ltd. NPKRR Maaligai No.144
Anna Salai Chennai-2
 - 2 The Assistant Engineer
O & M New Washermenpet TNEB/CEDC/North
Chennai-81
 - 3 The Executive Engineer
Tamilnadu Electricity Tondiarpet Circle
TNEB/CEDC/North 805 T.H.Road Tondiarpet
Chennai-81
 - 4 The Assistant Engineer
O & M Tondiarpet TNEB/CEDC/North
Chennai-81
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from demanding Maximum Demand penalty in respect of service connection No.003-002-630/ Tariff - III B installed at the premises Old No.279 M2 New No.90/3, Suryanarayana Street, Kasimedu Fishing Harbour, Royapuram, Chennai-600 013.

For Petitioner : Mr.S.R.Rajagopal
for Mr.A.T.Kishore Kumar
For Respondents : Mr.P.R.Dhilip Kumar

O R D E R

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

2.The learned counsel appearing for the petitioner would submit that challenging the demand letter dated 28.02.2015 demanding a sum of Rs.13,47,231/- towards penalty, the petitioner filed W.P.No.16600 of 2015 and the learned Standing Counsel accepted notice and sought

for time to get instructions and hence, it was adjourned. In the interregnum, the respondents disconnected the electricity service connection on 18.06.2015.

3.It is the further submission of the learned counsel appearing for the petitioner that admittedly a sum of Rs.6,61,419/- lies to the credit of the second respondent by way of security deposit and since the petitioner is a running industry, appropriate orders may be passed for re-connection of the power supply.

4.This Court heard the submissions of Mr.S.R.Rajagopal, learned counsel appearing for the petitioner and Mr.P.R.Dhilip Kumar, learned Standing Counsel, who accepts notice on behalf of the respondents.

5.This Court in the facts and circumstances, especially the fact that the petitioner is running an industry, is disposing of the writ petition by permitting the petitioner to pay the impugned demand of Rs.13,47,231/- dated 28.02.2015 in monthly installments.

6.Accordingly, the petitioner shall pay a sum of Rs.3,00,000/- towards first installment within a period of one week from the date of receipt of a copy of this order and on such payment, the electricity supply shall be restored to the petitioner. Insofar as the remaining amount of Rs.10,47,231/- is concerned, the petitioner shall pay the same, in monthly installments, on or before 5th of every English calendar month at the rate of Rs.1,00,000/- and the last installment at the rate of Rs.1,47,231/-. The petitioner shall also pay the current consumption charges to the second respondent.

7.If the petitioner commits any default in anyone of the above installments, it is open to the second respondent to proceed further in accordance with law.

8.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

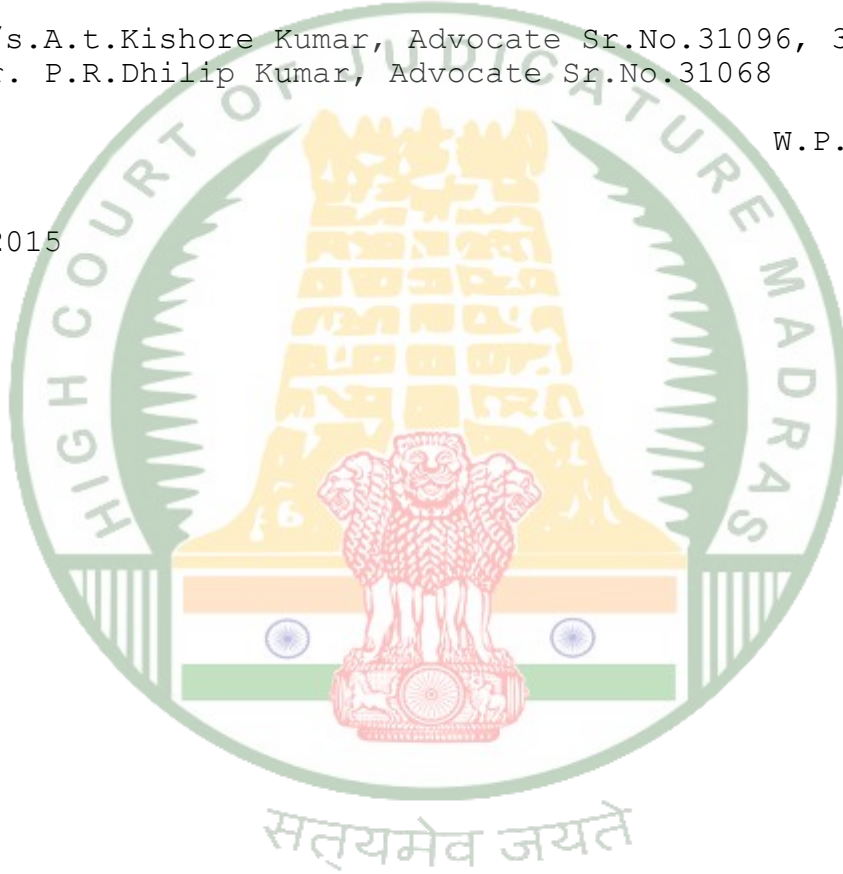
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2 cc to M/s.A.t.Kishore Kumar, Advocate Sr.No.31096, 30909
1 cc to Mr. P.R.Dhilip Kumar, Advocate Sr.No.31068

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pmk.25.6.2015



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