

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.23121 of 2015

Hi-Tech Mineral Covai (Private) Limited
Rep. by its Director V.Ranjith Chander ... Petitioner

Vs.

- 1 The Chairman
TANGEDCO Chennai.
- 2 The Chief Engineer
Commercial TANGEDCO Chennai.
- 3 The Chief Engineer
Distribution TANGEDCO Ltd. Erode.
- 4 The Superintending Engineer
Salem EDC TNEB Udayapatty KN Colony Post
Salem-636 014. Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 4 to consider and pass suitable orders in respect of the petitioners representations dated 09.06.2015 and 07.07.2015 praying for sanction of maximum demand reduction from 4250 KVA to 1000 KVA (taking into consideration the petitioners earlier applications dated 18.09.2010 and 15.10.2010).

For Petitioner : Mr.Shivakumaran
For Respondents : Mr.S.K.Raameshuwar

ORDER

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

2.The petitioner would state that the company was purchased by the present Management through the auction sale conducted by the Debt Recovery Tribunal, Coimbatore. Originally it was a sick unit and on account of the constant efforts put forth by the father of the deponent, it was transformed into a profit making organisation and the company was engaged in the production of sponge iron pellets,

mild steel billets, Thermal Mechanically Treated Steel rods (TMT Steel rods). The petitioner would further state that in order to make the company self sufficient for its power requirement, the father of the deponent has commissioned a 12 MVA Thermal Power Plant in the company itself in the form of Captive Power Generation and the infrastructure was also developed for generation of 5 MVA of electricity by using the waste heat generated from the manufacturing process of sponge iron and 7 MVA from coal with char waste. The petitioner's father suddenly died on 31.08.2012 and the deponent of the affidavit was an apprenticeship trainee in Lakshmi Machine Works, Coimbatore, in view of the said compelling circumstances, was made as a Director of the company in the year 2012. The petitioner on coming to know of the affairs of the company found among other things that the reduction of maximum demand from 4250 KVA to 1000 KVA is required for their HTSC 128 and sent another letter of acquisition dated 15.10.2010 for the revision of the earlier request for maximum demand of 1000 KVA instead of 500 KVA.

3. The grievance expressed by the petitioner is that during the pendency of the said application, the fourth respondent has disconnected the electricity supply on account of non payment of the demand of Rs.14,35,992/- which is the matter of challenge in W.P.No.23122 of 2015, for which Mr.Shivakumaran, learned counsel appearing for the petitioner would submit that if the application submitted by the petitioner would have been considered by the respondent in right earnest, the petitioner is not liable to pay Rs.14,35,992/- and prays for appropriate orders.

4. Per contra, Mr.S.K.Raameshuwar, the learned Standing Counsel appearing for the respondents, on instructions would submit that the petitioner is liable to pay the monthly current consumption charges and though very many opportunities were given to the petitioner to make the payment, it has not been done and left with no other option, the service connection was disconnected.

5. This Court in the facts and circumstances, and taking into consideration the limited scope of prayer sought for and without going into the merits of the same, directs the fourth respondent to consider and dispose of the petitioner's representations dated 09.06.2015 and 07.07.2015 in accordance with law after providing opportunity of personal hearing to the authorised representative of the petitioner and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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

s/d-
Assistant Registrar(CS-II)

True Copy

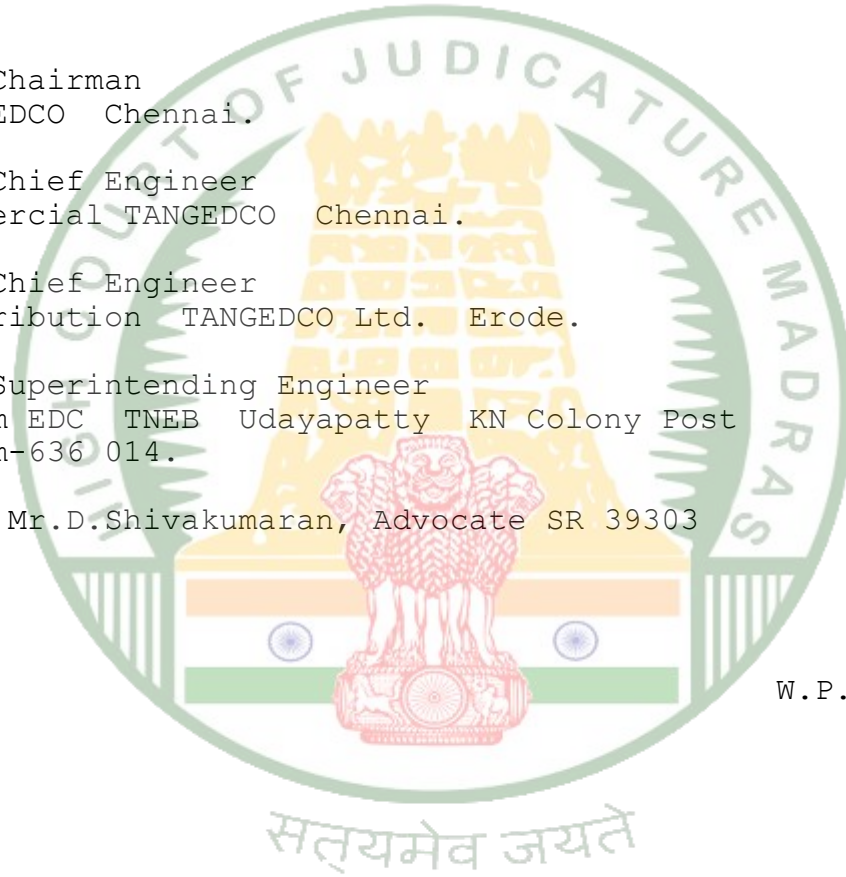
Sub-Assistant Registrar

To

- 1 The Chairman
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+ 1 cc to Mr.D.Shivakumaran, Advocate SR 39303

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