

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.38595 of 2015

Supreme Cot-spin Mills (India) Pvt. Ltd.,
HT SC No.377,
419-1A, IC, Vadugapalayam Road,
Thekkalur Post, Avanashi - 641 654,
Coimbatore District by its
Authorized signature S.Sethuramalingam. .. Petitioner
V.

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

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 2nd respondent to permit the petitioner to pay the arrears of Rs.60,58,498/- in 10 equal monthly installments along with restoration charges and other charges and restore supply on payment of the 1st instalment.

For Petitioner .. Mr.R.S.Pandiyaraj

For Respondents .. Mr.S.K.Rameshuwar

ORDER

Heard the learned counsel appearing for the petitioner and Mr.S.K.Rameshuwar, learned Standing Counsel accepting notice on behalf of the respondents and with their consent, the writ petition is taken up for final disposal.

2.The petitioner seeks for issuance of a writ of mandamus to permit the petitioner, which is a Private Limited Company, engaged in manufacturing of yarn and to permit the petitioner to pay the arrears of current consumption charges in 10 equal

monthly instalments. Admittedly, there is no power under the Electricity Supply Code to permit the consumer to pay current consumption charges in monthly instalments.

3.As rightly pointed out by the learned Standing Counsel for the respondents Clause 22(4) and Clause 22(6) of the Tamil Nadu Electricity Supply Code 2004 cannot be read in isolation and can only read along with sub Clauses 1, 2, 3 and 6. Therefore, the contingency pleaded by the petitioner would not fall within the Clause 22(4). Therefore, this Court would not be justified in exercising discretion and to direct the respondents to grant instalments for payment of current consumption charges. If such discretion is exercised in normal course, then every consumer would come up with such a plea. However, this will not prevent the 2nd respondent from considering the petitioner's request on merits and in accordance with law.

4.Accordingly, while rejecting the prayer sought, liberty is granted to the petitioner to pursue his representation before the 2nd respondent, which shall be considered in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

5.The Writ Petition is disposed of with the above observation. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sgl

To

1.The Chairman,
TANGEDCO,
144, Anna Salai, Chennai - 600 002.

2.The Superintending Engineer,
Coimbatore Elec. Distribution Circle South
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Coimbatore.

+1 cc to Mr.R.S.Pandiyaraj Advocate sr.66192

+1 cc to Mr.S.K.Rameshuwar Advocate sr.66100

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