



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Appeal(MD) No.1341 of 2015

and

M.P(MD)No.1 of 2015

- 1.The Chairman,
TANGEDCO,
144, Anna Salai,
Chennai.
- 2.The Superintending Engineer,
TANGEDCO,
Sivagangai Electricity Distribution Circle,
Sivagangai District.
- 3.The Assistant Executive Engineer,
Distribution / O&M, TANGEDCO,
Sivagangai Electricity Distribution Circle,
Sivagangai District. ... Appellants

Vs.

M/s.Sree Vishnu Annamalaiyar Paper Mills Ltd.,
represented by its Managing Director,
K.R.A.G.Saravanan,
9/4/52, Valmeegi Street,
Sriram Nagar, Kottaiyur,
Karaikudi Taluk,
Sivagangai District. ... Respondent

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 19.11.2015 made in W.P.(MD)No.20553 of 2015.

Prayer in WP(MD). 20553/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS directing the respondents to grant time till 12.12.2015 for the payment of Rs.34,26,243/- towards the Electricity consumption charges for the month of October 2015 by M/s. Sree Vishnu Annamaliyar Paper Mills Ltd., at VEDIYANGUDI village, PUDUVAYAL (via), Karaikudi Taluk, Sivagangai District and further connect the same till 12.12.2015 based on the Petitioners representation dated 17.11.2015.



For Appellants

: Mrs.S.Srimathy

JUDGMENT(Judgment of the Court was delivered by **V. RAMASUBRAMANIAN, J**)

The appeal is by the Tamil Nadu Generation and Distribution Corporation Limited, challenging an order passed by the learned Judge, allowing the respondent consumer to pay the electricity consumption charges for the month of October 2015, into two installments.

2.Heard Mrs.S.Srimathy, learned counsel for the appellants.

3.The current consumption charges for the month of October 2015 of the respondent came to be Rs.34,26,243/-. Explaining their inability to mobilise funds, the respondent came up with a writ petition seeking a mandamus to grant time. By an order dated 19.11.2015, the learned Judge directed the respondent to pay the amount in two installments. As against the said order, the Board is on appeal.

4.Though technically, learned counsel for the appellants is right that this Court is not entitled to grant the facility of installment payments of even the current consumption charges, we are of the view that certain extraordinary situations, may demand some sympathetic considerations. The apprehension of the learned counsel for the appellants is that every month it should become the matter of routine. It appears that for the month of November 2015, the respondent has filed another writ petition and obtained the similar order. Therefore, while dismissing the writ appeal, we make it clear that no further indulgence can be shown to the respondent and this should not be used as a precedent for all consumers. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(Writ)

/True copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai

sms

To

1.The Chairman,
TANGEDCO,

44, Anna Salai,
Chennai.



2.The Superintending Engineer,
TANGEDCO,
Sivagangai Electricity Distribution Circle,
Sivagangai District.

3.The Assistant Executive Engineer,
Distribution / O&M, TANGEDCO,
Sivagangai Electricity Distribution Circle,
Sivagangai District.

+1 cc to Mr.S.M.S.JOHNNY BASHA,Advocate, SR No.71822

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and
M.P (MD) No.1 of 2015
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RG.JGB-DP 29/12/2015 3P:5C