



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2015

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P(MD)No.21888 of 2015
and M.P.(MD) No. 1 of 2015

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

Vs.

1.The Chairman,
TANGEDCO,144, Anna Salai,
Chennai.

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

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

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to grant time till 16.01.2016 for the payment of Rs.16,06,573.00/- towards the Electricity consumption charges for the month of November 2015 by M/s. Sree Vishnu Annamalaiyar Paper Mills Ltd., at VEDIYANGUDI Village, PUDUVAYAL (via), Karaikudi Taluk, Sivagangai District, and further not to disconnect the same till 16.01.2016 based on the petitioner's representation dated 04.12.2015.

For Petitioner : Mr.M.Linga Durai
For Respondents : Mr.S.M.S.Johnny Basha

ORDER

Mr.S.M.S.Johnny Basha, learned Standing Counsel takes notice for the respondents.

<https://hcservices.ecourts.gov.in/hcservices/>

2.By consent of parties, the main writ petition is taken up for final disposal.



3. The petitioner seeks for a mandamus directing the respondents to grant time till 16.01.2016 for making payment of Rs.16,06,573.00/- towards electricity consumption charges for the month of November 2015 and consequently directing the respondents not to disconnect the power supply till such time based on the representation dated 04.12.2015.

4. Heard the learned counsel appearing on either sides.

5. The petitioner is a private limited company running a paper mill. According to the petitioner, the electricity consumption charges were paid till September 2015 and no dues are pending with the Electricity Board. However, there was some difficulty in making payment for the month of October 2015 due to festival holiday and heavy rain and consequently, the petitioner approached this Court and filed a writ petition in W.P.No.20553 of 2015 seeking for extension of time for making the payment towards October bill amount of Rs.34,26,243/-. This Court by an order dated 19.11.2015 directed the respondents to accept 50% of the electricity consumption charges for the month of October 2015 from the petitioner on or before 03.12.2015 and further permitted the petitioner to pay balance 50% on or before 17.12.2015. It is not in dispute that the petitioner has paid the first installment of 50% on or before 3.12.2015. Insofar as the balance payment of 50% is concerned, it is stated that the petitioner has made arrangement for paying the balance 50% on or before 17.12.2015. Thus, there is no problem with regard to the payment of electricity consumption charges in respect of October 2015.

6. Now a demand is made for payment of November 2015. Though this Court has directed the petitioner not to seek similar indulgence for the following months, in the earlier order, the present writ petition is filed by stating the peculiar unprecedented circumstances prevailing in the city of Chennai wherein the petitioner is having some customers from whom, it is stated, the petitioner is yet to receive some dues in respect of supply of goods. According to the petitioner, because of the heavy flood, the customers at Chennai could not be contacted nor they are in a position to make payment to the petitioner, which ultimately resulted in putting the petitioner in difficult financial situation in not making the payment for the month of November 2015 within the stipulated time. Therefore, the present writ petition is filed before this Court for the relief as stated supra.

7. When the matter was taken up on 08.12.2015 for admission, this Court directed the petitioner to produce materials to show that the petitioner is having some transaction with the customers at Chennai. Today, additional typed set of papers is filed showing invoices referring a purchaser by name Arul Papers, Chennai, from

whom, according to the petitioner, nearly 14 lakhs is due.

8. Considering the pathetic situation prevailing in the city of Chennai as well as in its surroundings and considering the invoices filed by the petitioner in support of his contention, this Court of of the view that a lenient view has to be taken for the payment towards the month of November 2015 alone. Accordingly, the respondents are directed to grant time till 16.01.2016 for the payment of Rs.16,06,573/- towards electricity consumption charges for the month of November 2015 from the petitioner. If the amount is not paid within the above stipulated time, the respondents are at liberty to disconnect the power supply without notice. Till such time, needless to say that the respondents shall not disconnect the power supply.

9. With the above direction, this writ petition is disposed of No costs. Consequently, connected M.P. Is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Chairman,
TANGEDCO,144, Anna Salai,
Chennai.

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

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

+ 1 CC TO M/S. F.DEEPAK, ADVOCATE IN SR NO. 70467/15
+ 1 CC TO M/S.S.M.S.JOHNNY BASHA, ADVOCATE IN SR NO. 70449/15

CM

TE/SK-SKN/SAR-I : 11/12/2015 : 3P/6C