

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.02.2016

Coram :

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.No. 4894 OF 2016

Sri Vari Alloys India (P) Ltd. [PETITIONER]
H.T.Sc.No.613 S.F.No.305 308/12
Kondampatty Kinathukadavu Pollachi Taluk
Pollachi Coimbatore
rep. by its Manager P. Sivakumar

Vs

- 1 The Chairman and Managing Director
Tamilnadu Generation and District
Corporation Ltd. (TANGEDCO)
144 Anna Salai, Chennai-600 002.
- 2 The Superintending Engineer
Coimbatore Electricity Distribution Circle/South
TANGEDCO, TTABAD,
Coimbatore 641 012.

[RESPONDENTS]

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus to direct the second respondent to appropriate the Security Deposit available in H.T.SC.No.613 with the sum due from the petitioner as contemplated under Regulation 5(vi) of the Tamilnadu Electricity Supply Code and to restore electricity supply and to permit the petitioner to recoup the appropriated security deposit within three months.

For Petitioner : Mr.K.Seshadri

For Respondents : Mr.S.K.Rameshuwar

ORDER

Heard Mr.K.Seshadri, learned counsel for the petitioner and Mr.S.K.Rameshuwar, learned Standing Counsel accepting notice for the respondent and with the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal.

2.The petitioner seeks for a direction upon the second respondent to appropriate the Security Deposit available in H.T.SC.No.613 with the sum due from the petitioner as contemplated under Regulation 5(vi) of the Tamilnadu Electricity Supply Code and to restore electricity supply and to permit the petitioner to recoup the appropriated security deposit within a time frame.

3.The learned counsel for the petitioner has referred to the Regulation (vi) of the Tamil Nadu Electricity Code, 2004 and submits that in the event the consumer failing to pay to the licensee any amount due, then the licensee is entitled to appropriate a part or whole of the security deposit and interest thereon towards the sum due from the consumer.

4. Admittedly there is a default in payment of Current Consumption Charges and the due is Rs.1,21,98,725/- and it is stated that as the petitioner has paid a sum of Rs.1,50,57,712/- towards security deposit, the petitioner seeks for appropriation of the security deposit.

5. As rightly contented by the learned Standing Counsel for the respondents, clause 5(v) of the Supply Code cannot be taken advantage of the petitioner and the petitioner cannot seek for a direction to the authorities to exercise such powers. The said power has to be exercised in accordance with clauses 5(i) to 5(v) and clause 5(vi) of the Supply Code cannot be read in isolation.

6. In the light of the above, the direction sought for cannot be granted. Therefore, while rejecting the prayer sought for by the petitioner, there will be a direction to the second respondent to consider the petitioner's representation dated 27.1.2016, and pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

The Writ Petition is dismissed with the above observations. No costs.

rpa

09.02.2016

Note: Issue order copy on 10.02.2016

To

- 1 The Chairman and Managing Director
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T.S. SIVAGNANAM, J.

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