

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2016

CORAM

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.38211 of 2016
and WMP No.32758 of 2016

M/s.K.Parthasarathy Spinning Mills
[Petitioner]
Rep by Managing Partner
MR.P. Gopalakrishnan
Ganapathypaayam Post
Udumapet- 641 122

Vs

- 1 The Chairman and Managing Director
TANGEDCO Anna Salai Chennai
 - 2 The Superintending Engineer
Udumalpet Electricity Distribution Circle
TANGEDCO Udumalpet
 - 3 The Executive Engineer
Operation and Maintenance, TANGEDCO, Udumalpet
- [Respondents]

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to restore the electricity connection to the petitioners Mill in H.T.Service Connection No.101.

For Petitioner : Mr.L.Mouli
For Respondents : Mr.S.K.Rameshuwar, SC

ORDER

Heard Mr.L.Mouli, learned counsel for the petitioner and Mr.S.K.Rameshuwar, learned Standing Counsel, who took notice for the respondents and with their consent, the main writ petition itself is taken up for disposal.

2. This writ petition is filed for the issue of a writ of mandamus to direct the respondents to restore the electricity connection to the petitioner's Mill in H.T.Service Connection No.101.

3. The petitioner who is the Managing Partner of the petitioner's Mill is having H.T.Service Connection in HTSC.No.101. Due to financial crisis, the Mill could not run from July 2015 and therefore, they were not able to pay the electricity charges. The electricity connection was disconnected on 21.08.2015 for non payment of CC charges to the tune of Rs.25,74,144/- The 2nd respondent, by letter dated 22.08.2016, demanded payment of 40% of the arrears viz., Rs.10,38,658/- at the time of reconnection and the remaining 60% viz., Rs.15,44,486/- in three instalments. The above order was passed pursuant to the representation given by the petitioner on 12.07.2016 seeking six instalments to pay the arrears, as they planned to start the Mill with some third party. It is the contention of the learned counsel for the petitioner that since the petitioner is facing severe financial crisis, they only seek payment of the amount in instalments.

4. It is admitted that the petitioner Mill could not run due to financial crisis and the electricity connection was disconnected on 21.08.2015. When such is the position, since the petitioner Mill has been in operation for years together, and due to unforeseen circumstances only the petitioner was unable to pay the amount in time, to come out of the problematic situation, this Court is of the view that some leniency should be shown to the petitioner.

5. In view of the same, the petitioner is permitted to pay 20% of the amount within two weeks from the date of receipt of a copy of this order and the balance 80% in six monthly instalments. It is made clear that on payment of 20% of the amount as indicated above, the respondents are directed to restore the electricity service connection to the petitioner Mill.

6. Since the financial difficulties faced by the petitioner has been explained in detail and the liability is admitted by the petitioner, the above order has been passed and hence, it should not be treated as a precedent.

The writ petition is disposed of accordingly. No costs.
Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1 The Chairman and Managing Director
TANGEDCO Anna Salai Chennai
- 2 The Superintending Engineer
Udumalpet Electricity Distribution Circle
TANGEDCO Udumalpet
- 3 The Executive Engineer
Operation and Maintenance, TANGEDCO, Udumalpet

+1cc to Mr.L. Mouli, Advocate, S.R.No.62615

NMI (CO)
md(07/11/2016)

W.P.No.38211 of 2016

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