

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.44071 of 2016

M/s.ARS Metals (P) Ltd.

Now known as ARS Steels and
Alloy International Pvt. Ltd.,
H.T.Sc.No.1902,
D-109, 2nd Floor, LBR Complex,
Anna Nagar East,
Chennai-600 102

rep. by its Deputy Director N.Prabu ... Petitioner

Versus

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

2.The Superintending Engineer,
Chennai Electricity Distribution Circle/North,
TANGEDCO, 144, Anna Salai,
Chennai-600 002.

3.The Tamil Nadu Electricity
Regulatory Commission,
rep. by its Secretary,
19A Rukmini Lakshmipathy Salai,
Egmore, Chennai-600 008.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the second respondent to refund the excess security deposit with interest totalling Rs.34,14,789/- as contemplated under Regulation 5(5) (v) of the Tamil Nadu Electricity Supply Code 2004 and as requested in petitioner's representation dated 08.07.2016 and 21.11.2016.

For Petitioner : Mr.K.Seshadri

For Respondents : Mr.P.R.Dhilipkumar

O R D E R

This writ petition has been filed seeking a direction to the second respondent to refund the excess security deposit with interest totalling Rs.34,14,789/- as contemplated under Regulation 5(5)(v) of the Tamil Nadu Electricity Supply Code 2004 as requested in petitioner's representation dated 08.07.2016 and 21.11.2016.

2.The case of the petitioner is that as there was acute shortage of raw material for the manufacturing billets and due to persistent labour problem in their Industry, they could not pay the current consumption charges for the month of October 2013. ***It is further stated that the Second Respondent** has failed to refund the entire security deposit together with interest to the petitioner. As per Section 33(5) of the Tamil Nadu Electricity Distribution Code 2004, in case of termination of the agreement either by the consumer or by the licensee, the licensee shall recover the dues if any from the consumer as may be necessary to clear the dues from the consumer against the security deposit or additional security deposit or any other deposit made by the Consumer and after making such adjustment, the balance deposit shall be re-funded, if any, to the consumer within three months from the date of termination of the agreement and as per Sub Regulation 4 of Regulation 35 of the Distribution Code 2004, the licensee has to pay interest on security deposit at the rate as fixed by the Commission from time to time. This being the position, the second respondent being the authority under the Regulations, should have taken prompt action for the refund of excess security deposit of Rs.34,14,789/- together with interest. But the second respondent has failed to discharge his statutory functions, as contemplated under the Codes 2004 and retained the amount from April 2013 to March 2016. Therefore, the petitioner has come to this Court for the above said direction.

3.Learned Standing Counsel appearing for the respondents referring to Regulation 34(7) of the Tamil Nadu Electricity Distribution Code 2004 would submit that the petitioner is not entitled to get interest since he is seeking the re-fund of the money along with interest from the date of application.

4.Heard the parties on both sides. The pending representations dated 08.07.2016 and 21.11.2016 are to be disposed of on merits. Therefore, without going into the merits of the case, this Court directs the second respondent to consider the case of the petitioner, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5. Accordingly, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)
Dated : 06.01.2017

***Corrected Order to be issued
as per Order of this Court,
dated 12.01.2017.
Sd/- Assistant Registrar(CS VI)
Dated : 20.01.2017
//True Copy//**

Sub Assistant Registrar

Vga

To

- | | |
|---|--|
| 1.The Chairman and Managing Director,
TANGEDCO, 144, Anna Salai,
Chennai-600 002. | To be Substituted to the
Order already despatched |
| 2.The Superintending Engineer,
Chennai Electricity Distribution
Circle/North,
TANGEDCO, 144, Anna Salai,
Chennai-600 002. | on 10.01.2017 |
| 3.The Secretary,
Tamil Nadu Electricity
Regulatory Commission,
19A Rukmini Lakshmipathy Salai,
Egmore, Chennai-600 008. | |

+lcc to Mr.K.Seshadri, Advocate, S.R.No.3481

+lcc to Mr.P.R.Dhilipkumar, Advocate, S.R.No.74958

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RSK(CO)
CA(06/01/2017)

CA(23.01.2017)

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