

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.12.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.44121 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 security deposit with interest accrued thereon as contemplated under Section 47(4) of the Electricity Act 2003, Regulation 33(5) and 35(4) of the Tamil Nadu Electricity Distribution Code 2004 and Sub-Regulation (iii) of Regulation 5(5)(iii) of the Tamil Nadu Electricity Supply Code 2004 and as requested

by us on 08.07.2016 and 21.11.2016.

For Petitioner : Mr.K.Seshadri

For Respondents : Mr.P.R.Dhilipkumar

ORDER

This writ petition has been filed seeking a direction to the second respondent to refund the security deposit with interest accrued thereon as contemplated under Section 47(4) of the Electricity Act 2003, Regulation 33(5) and 35(4) of the Tamil Nadu Electricity Distribution Code 2004 and Sub-Regulation (iii) of Regulation 5(5)(iii) of the Tamil Nadu Electricity Supply Code 2004 as requested by the petitioner on 08.07.2016 and 21.11.2016.

2.The case of the petitioner is that as there was acute shortage of raw materials 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 and hence, the Superintending Engineer, Chennai Electricity Distribution Circle/the second respondent herein disconnected the electricity supply on 21.10.2013. But 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.32,41,487/- together with interest. But the second respondent has failed to discharge his statutory functions, as contemplated under the Codes 2004. 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.

T.RAJA,J.

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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.

22.12.2016
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To

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
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