

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2017

CORAM :

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P Nos.12247 of 2017

Sri Balambika Textile Mills (P) Ltd.,
HTSC No.93,
Vinnapalli Post,
Sathyamangalam - 638 402
Repd by its Authorized Signatory S.Muthukumar ... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai - 600 002.

2.The Superintending Engineer,
Gobi Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Gobichettipalayam. ... Respondents

Prayer: Writ petition filed under Article 226 of the
Constitution of India, to issue a Writ of Mandamus, directing
the second respondent to permit the petitioner to pay the
Additional Security Deposit of Rs.86,94,151/- alone in six
equal monthly instalments along with the regular current
consumption charges.

For Petitioner : Mr.R.S.Pandiyaraj
For Respondents : Mr.S.K.Rameshuwar
Standing Counsel [TNEB]

ORDER

By consent of the parties, the main writ petition is taken
up for final disposal at the admission stage itself.

2. The petitioner is a private limited company registered
under the Companies Act having HT Service Connection bearing
No.93 from the second respondent for the purpose of

manufacturing yarn products. The second respondent, by letter dated ..04.2017, demanded additional security deposit of Rs.86,94,151/- in one lumpsum, over and above the existing Security Deposit (CCD) amount of Rs.81,97,139/-. Hence, the petitioner has filed this writ petition seeking a direction to the second respondent to permit him to pay the demanded additional security deposit in six equal monthly instalments.

3. The learned counsel for the petitioner had brought to the notice of this Court that in a similar case in W.P.No.11502 of 2017, this Court vide order dated 05.5.2017, has granted relief to the petitioner therein and hence, he prays a similar direction may be issued in this writ petition as well.

4. Mr.S.K.Rameshuwar, the learned Standing Counsel appearing for the respondents would submit that upon request of the petitioner, the Electricity Board itself had granted permission to the petitioner to pay the demanded additional security deposit in three instalments. But the petitioner, instead of approaching the second respondent, had approached this Court straightaway by way of this Writ Petition.

5. Heard Mr.R.S.Pandiyaraj, learned counsel appearing for the petitioner and Mr.S.K.Rameshuwar, learned Standing Counsel who accepts notice for the respondents, and perused the materials placed on record.

6. As the relief sought for by the petitioner is covered by the decision rendered by this Court in a similar case in W.P.No.11502 of 2017 dated 05.5.2017, wherein following directions were issued, and this Court is of the view that the present Writ Petition shall also be disposed of on the similar terms and conditions :

"4. In an identical situation, this Court in W.P.No.15431 of 2015 dated 02.06.2015, following the Division Bench judgment of this Court in Tamil Nadu Electricity Board Vs. Mani Spinning Mills (P) Limited, reported in CDJ 2012 MHC 4380 [W.A. (MD) Nos.407 to 412 of 2012 dated 02.08.2012] permitted the petitioner therein to pay the additional security deposit in six equal monthly instalments along with regular current consumption charges. Since the issue involved in this case is an identical one and the payment is also with respect to additional security deposit, following the above said judgment, this Court is inclined to grant the relief to the petitioner to pay the additional security deposit in six equal monthly instalments.

5. In the result, this writ petition is disposed of with a direction to the petitioner to pay the additional security deposit of Rs.1,02,93,199/- in six equal monthly instalments along with regular current consumption charges, commencing from 1st week of June 2017, failing which, it is open to the respondents to initiate appropriate action, in accordance with law. No costs."

7. Accordingly, this writ petition is disposed of with a direction to the petitioner to pay the additional security deposit of Rs.86,94,151/- in six equal monthly instalments along with regular current consumption charges, commencing from 1st week of June 2017, failing which, it is open to the respondents to initiate appropriate action, in accordance with law. No costs.

Sd/-
Assistant Registrar (VO)

//True Copy//

Sub Assistant Registrar

ds/gS
To:

1.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai - 600 002.

2.The Superintending Engineer,
Gobi Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Gobichettipalayam.

+1cc to Mr.R.S.Pandiyaraj, Advocate Sr.37072
+1cc to Mr.S.K.Raameshuwar, Advocate Sr.37159

W.P No.12247 of 2017

vsn[co]
srg 18/05/2017