

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.12832 of 2017

M/s.S.P.Superfine Cotton Mills Pvt Ltd, HTSC No.200,
Cuddalore Main Road, Kalapganur-636 109,
Peddanaickenpalayam, Attur Taluk,
Salem,
represented by its Personnel Officer S.Prabu

.. Petitioner

Vs

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

2. The Superintending Engineer,
Salem Elec.Distribution Circle
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Udyapatty (via), K.N.Colony Post,
Salem.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the second respondent to permit the petitioner to pay the Additional Security Deposit of Rs.36,36,928/- alone in 10 equal monthly instalments along with the regular current consumption charges.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Mr.S.K.Rameshuwar

ORDER

This writ petition is filed to direct the second respondent to permit the petitioner to pay the Additional Security Deposit of Rs.36,36,928/- alone in 10 equal monthly instalments along with the regular current consumption charges.

2. In the affidavit filed in support of this writ petition, it is stated that the petitioner is a company registered under the Companies Act, 1956. The petitioner is having HT service connection bearing No.200 coming under the second respondent. The petitioner is manufacturing yarn products. The petitioner has already deposited a sum of Rs.1,22,54,612/- as security deposit to the respondent-Electricity Board. As per Regulation 5 (5)(ii)(a) of the Tamil Nadu Electricity Supply Code, 2004, the Security Deposit (CCD) should be two times of the average of the electricity charges for the preceding twelve months prior to April for the monthly billed consumers, like that of the petitioner. It is stated by the petitioner that the second respondent, vide letter dated 25.04.2017, has directed the petitioner to pay a sum of Rs.36,36,928/- over and above the existing deposit of Rs.1,22,54,612/- in one lump sum, failing which the petitioner's electricity supply would be disconnected. It is contended by the petitioner that since the petitioner industry is already struggling for survival due to severe power cut, production loss and other aspects, the petitioner is not in a position to pay the said amount in one lumpsum. But the respondents are threatening to disconnect the power supply, if the additional security deposit is not paid. Hence this writ petition.

3. The learned counsel for the petitioner has submitted that since considerable amount is already available with the respondents as security deposit, and the petitioner-industry is struggling for survival due to severe power cut, production loss and continuous recession in the industry, the additional security deposit may be allowed to be paid in instalments along with the regular current consumption charges on the due dates.

4. Mr. S.K. Rameshuwar, learned counsel, took notice for the respondents.

5. Upon hearing the submissions made on either side and also considering the submission made by the learned counsel for the petitioner that the petitioner-industry is struggling for survival due to severe power cut, production loss and continuous recession in the industry, the petitioner is permitted to pay the additional security deposit of Rs.36,36,928/- to the second respondent, in six equal monthly instalments. The first instalment shall be paid on or before 10.06.2017 and rest of the instalments shall be paid on or before 5th of every succeeding month. In case of any default in payment of the instalments as

directed, the respondents are at liberty to proceed against the petitioner in accordance with law.

6.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar/VO

//True Copy//

Sub Assistant Registrar

To

1. The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
144, Anna Salai,
Chennai-600 002.
2. The Superintending Engineer,
Salem Elec.Distribution Circle
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Udyapatty (via), K.N.Colony Post,
Salem.

+1 CC to Mr.R.S. Pandiyaraj, Advocate sr 37632

W.P.No.12832 of 2017

MP (CO)
sp/23/5

सत्यमेव जयते

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