

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.2327 of 2017

M/s Sivashree Spinners (India) Pvt.Ltd.,
rep.by its Managing Director Mr.Sundarraaj
having registered office at
No.39/41, Senguptha Street
Ramnagar, Coimbatore 641 009 Petitioner

-vs-

1. The Coimbatore Electricity
Distributing Circle/South
represented by its
Superintending Engineer (O&M)
Tamil Nadu Electricity Board
Coimbatore 641 012
2. The Executive Engineer (O&M)
Tamil Nadu Electricity Board
Negamam Revenue Branch
Negamam, Coimbatore District
3. The Assistant Engineer (O&M)
Tamil Nadu Electricity Board
Thamaraikulam Section
Coimbatore District
4. The Junior Engineer
Tamil Nadu Generation and Distribution
Corporation Limited
CEDC/South
Thamaraikulam 642 209 Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Certiorarified Mandamus,
calling for the records relating to the impugned bill for
service connection A/c No.356-004-1336 issued by the fourth
respondent dated 20.1.2017 and quash the same and consequently
direct the respondents herein to forthwith effect supply of
electricity to the petitioner company bearing Service connection
A/c No.356-004-1336.

For Petitioner :: Mr.K.Selvarangan

For Respondents:: Mr.S.K.Raameshuwar

ORDER

The petitioner company has been issued with the impugned proceedings directing them to pay a total sum of Rs.11,51,498/- as on 20.1.2017 to restore the electricity service connection. Aggrieved by the same, the present writ petition has been filed.

2. It is stated by the learned counsel for the petitioner that the petitioner company is engaged in the production of yarn. After enjoying the service connection bearing No.356-004-1336 from 4.6.2014, as it has run into business loss, the petitioner was unable to pay the consumption charges of Rs.2,99,818/-, with the result the service connection was disconnected on 21.8.2015 by the Assistant Engineer (O&M), Tamil Nadu Electricity Board, Thamaraikulam Section, the third respondent herein. Immediately thereafter, the petitioner approached the respondents on 8.11.2016 requesting them to restore the electricity supply, for which the respondents have demanded a sum of Rs.11,34,752/- including the additional deposit of Rs.5,34,710/- to enable the respondents to effect the restoration of the electricity supply. When the petitioner asked for the break up details for arriving at the said figure, there was no proper response. However, the petitioner made a representation on 19.1.2016 asking the respondents to spell out the break up calculation to enable the petitioner to get back the service connection. Adding further, it is stated that the respondents have not given any explanation or the basis on which the aforementioned amount was demanded. When the consumption charges at the time of disconnection was Rs.2,99,818/- on 21.8.2015, the petitioner was surprised to find that the amount shoot up to Rs.11,34,752/- on 8.11.2016 within a couple of months, which is erroneous and illegal. When the respondents are bound to state under what provisions of law they have charged such an exorbitant amount, demanding simply an amount of Rs.5,35,710/- as an additional deposit is untenable. When the matter stood as above, all of a sudden, the Junior Engineer, TANGEDCO, CEDC/South, Thamaraikulam, the fourth respondent herein has issued the impugned communication. A reading of the communication also, it is pleaded, does not show any reasonableness on the part of the respondents. Hence the same is liable to be set aside, again he pleaded.

3. Mr.S.K.Raameshuwar, learned standing counsel for the respondents, in support of the impugned order, has explained before this Court each and every calculation made in the impugned order for arriving at the total amount of Rs.11,51,498/-. So far as Rs.2,99,818/-, he has explained that the said amount was the arrears of consumption charges payable by the petitioner for the month of July, 2015, which is also admitted by the petitioner. Another sum of Rs.1,62,554.92 also is the consumption charges payable by the petitioner upto the date of disconnection in the month of August, 2015 and a sum of Rs.2566.67 and Rs.8130.00 were added towards fixed charges and electricity tax, thus totalling to Rs.1,73,252.00. Similarly, a sum of Rs.23,613.00 was arrived at towards the proportionate monthly minimum/fixed charges for the periods from September, 2015 to February, 2016 at the rate of Rs.1412.00, Rs.3850.00, Rs.3978.00, Rs.3850.00, Rs.3978.00, Rs.3978.00 & Rs.2567.00 respectively. Since there was a default committed by the petitioner, it was explained further before this Court that the petitioner has been slapped with the belated payment surcharge of Rs.1,18,970.00. Towards the additional current consumption deposit payable by the petitioner, a sum of Rs.5,35,710.00 has been arrived at.

4. When the details as to the demand of Rs.11,51,498.00 in the impugned order has been succinctly explained by the respondents, which is liable to be paid by the petitioner company as a pre-condition for restoration of the electricity service connection, this Court does not find any merit to interfere with the same. However, the learned counsel for the petitioner sought for some concession for making the payment in a few instalments. But the learned counsel for the respondents submitted that since the amount liable to be paid is only towards consumption charges including the arrears, the petitioner cannot be given any concession by way of equated monthly instalments, as the same would give rise to the other consumers to come to this Court seeking for the same concession, which would in fact create more problems to the Electricity Department. In the light of the above, the writ petition fails and it is dismissed. Consequently, W.M.P.Nos.2310 & 2311 of 2017 are also dismissed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Superintending Engineer (O&M)
Coimbatore Electricity
Distributing Circle/South
Tamil Nadu Electricity Board
Coimbatore 641 012
2. The Executive Engineer (O&M)
Tamil Nadu Electricity Board
Negamam Revenue Branch
Negamam, Coimbatore District
3. The Assistant Engineer (O&M)
Tamil Nadu Electricity Board
Thamaraikulam Section
Coimbatore District
4. The Junior Engineer
Tamil Nadu Generation and Distribution
Corporation Limited
CEDC/South
Thamaraikulam 642 209

+1cc to Mr.Raameshuwar, Advocate Sr.11254
+1cc to Mr.Selvarangan, Advocate Sr.11504

mg[co]
srg 9/3/2017

W.P.No.2327 of 2017

सत्यमेव जयते

WEB COPY