

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.01.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.1634 of 2017

PVS Textiles (P) Ltd.,
rep. by its Authorised Signatory
K.Balasubramanian

.. Petitioner

-vs-

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

2.The Superintending Engineer,
Tirupur Electricity Distribution Circle,
TANGEDCO, 19A-19B, Jothinagar,
Perumanallur Road, Tirupur.

3.Accounts officer,
Tirupur Electricity Distribution Circle,
TANGEDCO, 19A-19B, Jothinagar,
Perumanallur Road, Tirupur.

... Respondents

Prayer: 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 revised balance additional security deposit of Rs.19,69,569/- for the year 2015-16 vide the second respondent's letter dated 26.10.2016 in 3 equal monthly instalments along with the regular current consumption charges.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents: Mr.S.K.Rameshwar for R1 to R3

O R D E R

This writ petition has been filed by the petitioner seeking a direction to the second respondent to permit him to pay the revised balance additional security deposit of Rs.19,69,569/-

for the year 2015-16 vide the second respondent's letter dated 26.10.2016 in 3 equal monthly instalments along with the regular current consumption charges.

2.This Court has already passed an order on 06.06.2016 in W.P. No.18940 of 2016, which is given as under:

"... 5.In the result, this writ petition is disposed of with a direction to the petitioner to pay the additional security deposit of Rs.28,41,919/- in six equal monthly instalments along with regular current consumption charges, commencing from 1st week of July 2016, failing which it is open to the respondents to initiate appropriate action in accordance with law. No costs."

3.Subsequently, the impugned order has been passed directing the petitioner to pay additional amount of Rs.5,20,832/- making it clear that failing to pay the said amount, the petitioner will run the risk of dis-connection.

4.The claim of the petitioner is that when this Court has already passed an order granting six instalments to clear a sum of Rs.28,41,919/- with six equal monthly instalments along with regular current consumption charges commencing from 1st week of July 2016 and the petitioner has also completed three instalments and he is going to make the fourth instalment, the impugned notice has been issued directing the petitioner to pay the additional amount of Rs.5,20,832/-, failing which he would run the risk of dis-connection, which is improper.

5.Learned counsel for the petitioner would submit that the petitioner is preparing to accept the additional amount of Rs.5,20,832/- but, the same would also be included in the balance three instalments.

6.Mr.S.K.Rameshwar, learned counsel takes notice for the respondents.

7.As the petitioner has accepted to pay the additional amount, the said amount will be included in the balance three instalments. Therefore, the petitioner is directed to pay the remaining three instalments along with current consumption charges. As the petitioner has paid three instalments, he is directed to pay the fourth instalment on 23.01.2017 and the fifth and sixth instalments shall be paid on or before 23.02.2017 and 23.03.2017 respectively.

8.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

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

2.The Superintending Engineer,
Tirupur Electricity Distribution Circle,
TANGEDCO, 19A-19B, Jothinagar,
Perumanallur Road, Tirupur.

3.Accounts officer,
Tirupur Electricity Distribution Circle,
TANGEDCO, 19A-19B, Jothinagar,
Perumanallur Road, Tirupur.

+lcc to Mr.Pandiyaraj, Advocate, S.R.No.3980

NR(CO)
RS(01/03/2017)

सत्यमेव जयते

W.P. No.1634 of 2017

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