



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA**W.P. (MD) No.16234 of 2017****and****W.M.P. (MD) No.12908 of 2017**

M/s.RLS Alloys Pvt Ltd., HTSC No.145
Represented by its Director,
P.Tamilarasu
S.F.No.118/1,2,3 Sethurapatti Road
Fathima Nagar, Trichy

... Petitioner

Vs.

1.The Superintending Engineer,
TANGEDCO,
144 Anna Salai
Chennai.

2.The Superintending Engineer
Trichy Elecy. Distn. Circle/Metro
Mannarpuram, Trichy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the 2nd respondent to permit the petitioner to pay the arrears of Rs.39,69,008/- in 10 equal monthly installments along with restoration charges and other charges and consequently restore the High Tension Service Connection No.145 on payment of the 1st installment.

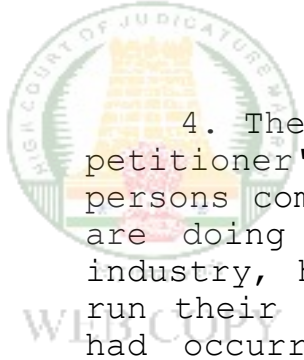
For Petitioner : Mr.S.Jawahar
For Respondents : Mr.E.P.Venkateswaran
for Ms.S.Srimathi

O R D E R

By consent of both sides, this writ petition itself is taken up for final disposal.

2. Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

3. The petitioner is a Private Limited Company registered under the Companies Act, 1956, having their industry at SF No.118/1,2,3 Sethurapatti Road, Fathima Nagar, Trichy with HT service connection bearing No.145 and manufacturing steel products for local markets and also export purpose.



4. The learned counsel for the petitioner would submit that the petitioner's company has given employment opportunities to 200 persons coming from the rural area. Though from the inception, they are doing well, subsequently, continuous recession in the steel industry, heavy power cut and labour problem, they are not able to run their industry to the full capacity. As a result, heavy loss had occurred and consequently, the petitioner is unable to pay consumption charges from the month of January 2015. Hence, the service connection was disconnected on 28.02.2015. It is further submitted that only due to heavy loss, the petitioner has committed the aforementioned default leading to the disconnection of the service connection and now, the petitioner is inclined to pay the security deposit of Rs.31,54,400/- with a request to give them installments to clear all the petitioner's arrears. As per the Regulation 22(4) of the Electricity Supply Code, the petitioner is entitled to get 10 equal installments. Therefore, a direction may be issued to the respondents, it is contended.

5. Today, when the matter was posted, the learned counsel for the petitioner filed an affidavit dated 30.08.2017 giving an undertaking to clear all the arrears of Rs.39,69,008/- in 10 equal installments without fail and if any default is committed, they would abide by the proceedings of the respondents.

6. Regulation 22(4) of the Electricity Supply Code reads as under:

"Regulation 22 of Tamilnadu Electricity Supply Code
Restoration of supply of Electricity:

...

4. In the case of service connections, which have been disconnected, the licensee shall have the power to allow installment payment of all arrears in deserving cases."

7. In view of the affidavit of undertaking and since the said Regulation empowers the Board to allow installment payment of all arrears in deserving cases, this Court, taking into account the petitioner was facing heavy power cut recession in the steel industry and labour problems, directs the respondents to grant 10 equal monthly installments to the petitioner to clear all the dues. The first installment will commence from 05.09.2017. It is needless to mention that in the event of any default, the respondents are at liberty to take any action. On such payment of first installment, the respondents shall restore the electricity service connection to the petitioner.

8. The writ petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/



To

1.The Chairman,
TANGEDCO, 144 Anna Salai
Chennai.

2.The Superintending Engineer
Trichy Electricity. Distribution. Circle/Metro
Mannarpuram, Trichy.

+1cc to Mr.S.JAWAHAR Advocate in SR. No. 75459

+1cc to Mr.S.M.S.JOHNNY BASHA Advocate in SR. No. 75457

RR

JS/JC/SAR.4/19.09.2017/ 3P-5C

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and

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