



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.16247 of 2017

and

W.M.P. (MD) No.12921 of 2017

M/s.Ramkumar Steel RE Rolling Pvt Ltd.,
Represented by its Managing Director,
T.Ramani

... Petitioner

Vs.

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

2.The Executive Engineer
Operation and Maintenance,
East, Trichy.

3.The Assistant Executive Engineer
Operation and Maintenance,
Rural, TANGEDCO, Trichy.

4.The Assistant Engineer
Operation and Maintenance
Manikandam, 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 shortfall amount of Rs.7,70,407/- in 10 equal monthly installments.

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.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The petitioner is a Private Limited Company registered under the Companies Act, 1956, having their industry at SF No.60/21D



Sethurapatti Road, Fathima Nagar, Trichy with HT service connection bearing No.229-006-442 and manufacturing steel products for local markets.

4. The learned counsel for the petitioner would submit that when the Enforcement Wing have inspected the petitioner's premises and found that "R" phase consumption has not been recorded, and thereby to pay the shortfall amount for the period from 05/2016 to 07/2017 to a sum of Rs.7,70,407/-, the petitioner is unable to pay the same. It is contended, now, the petitioner is inclined to pay the said sum with a request to give them installments to clear all the 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.7,70,407/- 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.

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

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar



To

1.The Superintending Engineer,
Trichy Electricity Distribution Circle/Metro
Mannārpuram, Trichy.

2.The Executive Engineer,
Operation and Maintenance,
East, Trichy.

3.The Assistant Executive Engineer
Operation and Maintenance,
Rural, TANGEDCO, Trichy.

4.The Assistant Engineer
Operation and Maintenance
Manikandam, Trichy.

+1cc to Mr.S.JAWAHAR Advocate in SR. No.75458

+1cc to Mr.S.M.S.JOHNNY BASHA Advocate in SR. No.75456

RR

JS/MR.KKR/SAR.3/14.09.2017/3P-7C

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