



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.04.2017

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THE HONOURABLE MR. JUSTICE S.S.SUNDAR

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W.P. (MD) .No. 7207 of 2017

Raja Rajeswari Mills Private Ltd.,
Dindigul-Salem Road, NH-7,
Vedasanthur, Dindigul District,
Rep. by its Managing Director,
M.Ramamoorthy.

..Petitioner

Vs.

1. The Chief Engineer (Distribution),
Madurai Range, TANGEDCO,
Madurai, Madurai District.
2. The Superintendent Engineer,
Dindigul Electricity Distribution Circle,
Dindigul, Dindigul District.
3. The Assistant Engineer,
TANGEDCO, Vedasanthur,
Dindigul District.
4. The Deputy Financial Controller,
Dindigul Electricity Distribution Circle,
TANGEDCO, Dindigul.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records in LR.No.SE/DGL/DFC/AO/REV/F/Inst./D.No.94 of 2017, dated 03.04.2017 passed by the second respondent and quash the same as illegal.

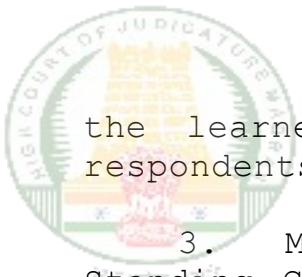
For Petitioner	: Mr.C.Muthu Saravanan
For Respondents	: M/s.S.Srimathy, for Mr.S.M.S.Johny Basha, Standing Counsel for T.N.E.B.,

O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Certiorari, calling for the records in LR.No.SE/DGL/DFC/AO/REV/F/Inst./D.No.94 of 2017, dated 03.04.2017 passed by the second respondent and quash the same as illegal.

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

2. Heard the learned counsel appearing for the petitioner and



the learned Standing Counsel for TANGEDCO, appearing for the respondents.

3. M/s.S.Srimathy, for Mr.S.M.S.Johny Basha, learned Standing Counsel for T.N.E.B., takes notice for the respondents. By consent, the Writ petition itself is taken up for final disposal.

4. *The brief facts that are necessary for the disposal of the Writ petition are as follows:-*

The petitioner Mill was unable to pay electricity bill from the month of May and June 2016 and as a result a sum of Rs.14,29,033/- became due. Due to the nonpayment of the monthly bill, the third respondent disconnected the electricity service connection of the petitioner Mill on 23.06.2016. However, the High Tension connection is not dismantled. In these circumstances, the petitioner Mill gave a representation to the respondents to restore the electricity service connection with an undertaking to pay the entire dues in installments. By an impugned proceedings in LR.No.SE/DGL/DFC/AO/REV/F.Inst/D.No.94/2017, dated 03.04.2017, the request of the petitioner for restoration of the electricity service connection in HT.S.C.No.94 was considered. However, the petitioner was directed to pay 40% of the total arrears (arrived at Rs.21,42,912/-) for immediate re-connection and the petitioner was permitted to pay the balance amount of Rs.11,61,950/- in five equal monthly installments. Aggrieved by this order, the petitioner has come forward with the present Writ petition.

5. The grievance of the petitioner is about the quantum. However, the learned counsel for the petitioner submit that she is not for a moment disputing the quantum for the purpose of getting re-connection. Though the petitioner is prepared to pay the entire amount requested for some indulgence from the respondents, the learned counsel for the petitioner pleaded that this Court may give sufficient time and reduce the payment of 40% to 20% for re-connection. Further the learned counsel for the petitioner drew the attention of this Court about various facts and circumstances relating to the Textile Industry and other factors which are likely to improve the prospects of the petitioner. However, the learned Standing Counsel for the respondents relied upon *Clause 22 (6) (ii) of Tamil Nadu Electricity Supply Code, 2004*.

7. Perusal of *Clause 22 (6) (ii) of Tamil Nadu Electricity Supply Code, 2004*, gives an indication that the respondents have some discretion in this matter. Having regard to the issue now before this Court, this Court, in exercise of its jurisdiction, pass the following order in the interest of justice:-

<https://hcservices.ecourts.gov.in/hcservices/> The petitioner is directed to pay 20% of the total arrears determined at Rs.21,42,912/- to the credit of the impugned order



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herein on the file of the second respondent within a period of six weeks from the date of receipt of a copy of this order. Upon payment of 20% of the total arrears, the respondents are directed to restore the electricity service connection in HT Sc.No.94 to the petitioner. The petitioner shall pay the remaining 80% of the total arrears in 12 equal consecutive monthly installments. In other words, the first installment is payable on 15th June, 2017. If the petitioner commits default consequentially for three months, it is open to the respondents to disconnect the electricity service connection without further reference to this Court."

8. Accordingly, the Writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Chief Engineer(Distribution), Madurai Range,TANGEDCO, Madurai, Madurai District.
2. The Superintendent Engineer,
Dindigul Electricity Distribution Circle, Dindigul,
Dindigul District.
3. The Assistant Engineer, TANGEDCO, Vedasanthur,
Dindigul District.
4. The Deputy Financial Controller,
Dindigul Electricity Distribution Circle,
TANGEDCO, Dindigul.

+1cc to Mr.C.Muthusaravanan,Advocate,Sr.52591

+1cc to M/S.Ajmal Associates, Advocate, SR.20618

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PMU

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