



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.05.2017

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CORAM :
THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.8946 of 2017

M/s.Naachiar Paper Boards Private Limited,
Represented by its Authorised Signatory
M.Samayakaruppasamy
HTSC No.302
S.F.No.352 & 353, Sevelpatti Village,
Near Vembakottai, Sivakasi. ... Petitioner

vs.

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

2.The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
Tamil Nadu Generation and Distribution,
Corporation Limited, TANGEDCO,
Virudhunagar. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to permit the petitioner to pay the Additional Current Consumption Deposit of Rs.64,67,539/- alone in 10 equal monthly installments along with the regular current consumption charges.

For Petitioner : Mr.N.Sudalaimuthu
For Respondents : Mr.G.Kasinathadurai

O R D E R

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

2. By consent, the writ petition is taken up for final disposal at the admission stage itself.

3.This Writ Petition has been filed for issuance of a Writ of Mandamus directing the second respondent to permit the petitioner to pay the Additional Current Consumption Deposit of Rs.64,67,539/- alone in 10 equal monthly installments along with the regular current consumption charges.



4.The petitioner is a manufacturer of paper and Boards having High Tension Electricity supply in H.T.SC.No.302 and the respondents sanctioned the above high tension supply with a maximum demand of 2300 KVA to run the factory. The respondents have also collected Rs.800/- per KVA demand, towards initial Security Deposit, at the time of sanctioning H.T service connection to secure the payment of consumption charges payable by the consumers. Since there are two types of HT consumers available in the State of Tamil Nadu, the respondents have to review the adequacy of security deposit either by way of Regulation 5(5)(ii)(a) of the Tamil Nadu Electricity Supply Code 2004 or by way of Tariff Order of the TNERC. Since the petitioner has already made security deposit of Rs.53,12,221/-, he comes under the second category of partial captive consumer of wind energy and therefore, the adequacy of the security deposit needs to be reviewed as per the Tariff Order only and not Regulation 5(5) of the Tamil Nadu Electricity Supply Code, 2004. Finally, relying upon the Regulation 5(5) of the Tamil Nadu Electricity Supply Code, 2004, the second respondent has attempted to have the best of both, which is impermissible in law. Now, they have raised a demand of Rs.64,67,539/-, which is over and above the existing deposit of Rs.53,12,221/-.

5.The learned counsel appearing for the petitioner submitted that the petitioner has given a representation to the second respondent seeking permission to pay Additional security deposit of Rs.64,67,539/- alone in 10 equal monthly installments and the same has not been considered so far. Therefore, the petitioner has before this Court for the aforesaid prayer.

6.In support of his case, the learned counsel for the petitioner has placed the order passed by this Court in W.P.No.11502 of 2017 dated 05.05.2017, wherein this Court in similar circumstances has granted time to pay the Additional Security Deposit in six equal monthly installments of Rs.1,02,93,199/-.

7.The learned counsel appearing for the respondents submitted that instead of 10 equal monthly installments, the petitioner may be directed to pay the Additional Security Deposit in 6 equal monthly installments.

8.In view of the submission made by the learned counsel for the respondents, the petitioner is directed to pay the additional security deposit of Rs.64,67,539/- in six equal monthly installments along with regular current consumption charges. The first installment will commence from 1st week of June 2017, failing which, it is open to the respondents to initiate appropriate



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action, in accordance with law.

With the above direction, the writ petition is disposed of.
No costs.

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DEPUTY REGISTRAR/ VACATION OFFICER

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SUB ASST REGISTRAR

Ns/SM/CP

To

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

2.The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
Tamil Nadu Generation and Distribution,
Corporation Limited, TANGEDCO,
Virudhunagar.

1CC TO MR. S. SUDALAIMUTHU, ADVOCATE SR: 56434

1CC TO MR. KASINATHADURAI, ADVOCATE SR: 56402

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