

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2018

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

W.P.No.11691 of 2018

Divya Spinning Mills (P) Ltd.,
HT SC No.96
S.F.No.146, Gobi Road
Sathipalayam, Getticheviyur - 638 110
Gobi.
Rep. by its Authorised Signatory M.Sethupathi
... Petitioner

-Vs-

- 1.The Chairman
Tamil Nadu Generation and Distribution
Corporation Limited
144, Anna Salai
Chennai - 600 002.
- 2.The Superintending Engineer
TANGEDCO
Gobi Electricity Distribution Circle
Gobichettipalayam - 638 452. ... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the second respondent to permit the petitioner to pay the Additional Security Deposit of Rs.83,97,236/- alone in six equal monthly installments along with the regular current consumption charges.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Mr.S.K.Rameshuwar
Standing Counsel for TNEB

ORDER

1.1 In this case, the respondents have issued notice to make Additional Security Deposit of ?83,97,236/- with it, based on the average annual electricity charges for one year preceding the claim for such deposit.

1.2 The only prayer sought in this writ petition is that the petitioner seeks a direction of this Court to the second respondent to receive Additional Security Deposit, in six equal monthly installments.

2. Heard Mr.R.S.Pandiyaraj, the learned counsel for the petitioner and Mr.S.K.Rameshuwar, learned Standing Counsel [TNEB] for the respondents.

3. The counsel for the petitioner has brought to the notice of the Court, an earlier order passed by this Court in W.P.No.11500 of 2017, in which, the learned Single Judge has followed the decision of the Division Bench of this Court in Tamil Nadu Electricity Board Vs. Mani Spinning Mills (P) Limited [CDJ 2012 MHC 4380 - (W.A.(MD) Nos.407 to 412 of 2012 dated 02.08.2012]. Since the issue involved in this case is identical to the one involved in the aforesaid case, this Court is inclined to grant similar relief to the petitioner herein.

4. Accordingly, this writ petition is allowed and this Court directs the petitioner to pay the additional security deposit now claimed by the second respondent in six equal monthly installments commencing from 1st June, 2018. If the petitioner defaults in making payment, it is open to the respondents to initiate appropriate action, in accordance with law. No costs.
ds

Sd/-
Assistant Registrar/
Vacation Officer

//True Copy//

Sub Assistant Registrar

To:

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

2.The Superintending Engineer
TANGEDCO
Gobi Electricity Distribution Circle
Gobichettipalayam - 638 452.

+1cc to M/s.R.S.Pandiyaraj, Advocate Sr.No.33006

NRI (CO)
sm:8.5.2018

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