

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.12031 of 2018

M/s.Sree Jayamurugan Alloys Private Ltd.,
rep. by its Managing Director K.Rajendran .. Petitioner

-vs-

1.The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
144, Anna Salai, Chennai-600 002.

2.The Superintending Engineer,
TANGEDCO,
Salem Electricity Distribution Circle,
Udayapatty, K.N.Colony Post,
Salem-636 104. ... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the second respondent to permit the petitioner to pay the 40% of the Security Deposit of Rs.62,22,333/- already adjusted towards current consumption arrears and the balance in 10 monthly instalments and to restore Electricity Supply on payment of 1st instalment 40%.

For Petitioner :: Mr.K.Seshadri

For Respondents:: Mr.S.K.Rameshwar,
Standing Counsel

ORDER

The petitioner has come to this Court seeking a direction to the second respondent to permit him to pay the 40% of the Security Deposit of Rs.62,22,333/- already adjusted towards current consumption arrears and the balance in 10 monthly instalments and to restore Electricity Supply on payment of 1st instalment.

2.The case of the petitioner is that the respondents have sanctioned the High Tension Service Connection in

H.T.Sc.No.049094240283 with a demand of 3250 K.V.A. The petitioner industry has been providing employment to about 100 persons living in and around Salem. However, the second respondent has issued current consumption bill for the month of May 2014 for a sum of Rs.10,29,621/- and as per the Bill dated 29.05.2014, the due date for the payment of the amount is 04.06.2014. Similarly in the month of June 2014, the current consumption charges payable would be Rs.30,13,869/-. Due to persistent labour problem in the Industry and acute power shortage in the State of Tamil Nadu, apart from heavy cost of raw material and high cost of private power, the petitioner could not pay the current consumption charges on due dates.

3.Learned counsel for the petitioner would submit that since the petitioner company was closed from 2014, the petitioner was unable to pay Rs.62,22,333/- in one lump sum and after disconnection of the supply on 19.06.2014, the petitioner is unable to run the company. Therefore, if the respondents come forward to consider grant of six instalments, the petitioner will be able to resume his production and the respondents would not be put in prejudice.

4.A detailed counter affidavit has been filed by the respondents stating that due to non payment of current consumption charges, the agreement of the petitioner's service connection was terminated and thereafter, an amount of Rs.16,01,451/- is available in the petitioner's account towards the security deposit at the time of closure of the accounts and this was also informed to the petitioner by the second respondent vide letter dated 29.04.2014 which reads as follows:

Total CC arrears	..	Rs.46,86,132.00
BPSC	..	Rs. 3,52,626.00
Monthly minimum	..	Rs.11,70,000.00
Meter rent	..	Rs. 12,000.00
Half DC & RC fee	..	Rs. 1,500.00
Testing Fees	..	Rs. 75.00

		Rs.62,22,333.00
Less: SD & MCD		Rs.78,23,784.00

Balance credit available		Rs.16,01,451.00

5.A perusal of the records would show that the petitioner has not paid the current consumption charges and after adjustment of security deposit, as per Regulation 17(5) of the Tamil Nadu Electricity Supply Code 2004, the petitioner has to pay a sum of Rs.62,22,333/- in one lump sum. However, the petitioner company was closed down in view of disconnection of the supply on 19.06.2014 and the petitioner also come forward to

clear the said amount by six equal instalments. This Court, taking note of the fact that the company is going to resume its production and it may also provide some opportunities to the workmen, the petitioner is granted six equal monthly instalments to pay the said amount. Accordingly, the petitioner is directed to pay the security deposit in six equal monthly instalments commencing from 10.08.2018. On receipt of the first instalment, the respondent shall restore the electricity connection.

6.It is made clear that the petitioner shall pay the instalments on or before 10th of every succeeding English Calender month. If there is any default committed by the petitioner in clearing the amount, the second respondent is at liberty to disconnect the electricity service connection.

7.Accordingly, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(cs II)

// True Copy//

Sub Assistant Registrar

To

1.The Chairman and Managing Director,
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Corporation (TANGEDCO),
144, Anna Salai, Chennai-600 002.

2.The Superintending Engineer,
TANGEDCO,
Salem Electricity Distribution Circle,
Udayapatty, K.N.Colony Post,
Salem-636 104.

+lcc to Mr.K.Seshadri, Advocate Sr.No.50755

+lcc to Mr.S.K.Raameshuwar, Advocate Sr.No.51008

sm:6.8.2018

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