

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.05.2018

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P.No.12455 of 2018 and
W.M.P. No.14589 of 2018

M/s.Sakthi Steel Industries Ltd.,
Unit II, H.T.Sc.No.324,
Amaravathipattinam Village,
Nelvoy - Thirumukkudai Road,
Uthiramerur Taluk,
Kancheepuram District-631 606,
rep. by its Manager/Authorised Signatory
V.Vaigunthan

.... Petitioner

vs.

- 1.The Tamil Nadu Electricity Regulatory
Commission, Rep. by its Secretary,
No.19A, Rukmani Lakshmipathy Salai,
Egmore, Chennai - 600 008.
- 2.The Chairman and Managing Director,
TANGEDCO, 144, Anna Salai,
Chennai - 600 002.
- 3.The Superintending Engineer,
Kancheepuram Electricity Distribution Circle,
TANGEDCO,
Kancheepuram - 631 502.

.... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari calling for the records of the third respondent Lr.No.SE/KEDC/KPM/RCS/AS/ACCD/D/2018 dated 12.04.2018 and quash the same as illegal, arbitrary and against Regulation 5(1), (ii) (a) and (iv) of the Tamil Nadu Electricity Supply Code 2004.

For Petitioner : Mr.ARL.Sundaresan,
Senior Counsel for
Mr.K.Seshadri

For Respondents : Mr.S.K.Raameshuwar for TNEB

O R D E R

The petitioner has filed this Writ Petition challenging the Lr.No.SE/KEDC/KPM/RCS/AS/ACCD/D/2018 dated 12.04.2018 issued by the third respondent and to quash the same.

2.Mr.ARL.Sundaresan, the learned Senior Counsel appearing for the petitioner would submit that as per the provision, the respondent Board has raised additional security deposit after assessing the entire current consumption charges. However, without completing one year, in the middle of the year the respondent has passed the impugned demand order for additional security deopait and it is bad in law.

3.The senior 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 reported in [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 may grant similar relief to the petitioner herein.

4.Mr.Rameshuwar, learned counsel for the respondent board would submit that initially there was a demand to the tune of Rs.3 Crores and as against the initial demand, the petitioner filed objection before the Authority. After considering the objection, the said amount was reduced to Rs.61 Lakhs. Hence, the usual order passed by this Court may not apply to the present case on hand and for the non payment of demand of additional security deposit, the service connection was disconnected. Unless the petitioner paid the entire amount as demanded by the Authority, the petitioner is not entitled to restore his connection.

5.In the light of the above said decision, the petitioner is directed to pay the additional security deposit in six equal monthly installments commencing from 1st June, 2018 and shall pay the installments on or before 10th of every succeeding English Calendar month. On receipt of the 1st instalment, the respondents are directed to restore the electricity service connection. If any one of the installments was not paid, it is open to the respondents to disconnect the electricity service connection of the petitioner's industry.

6.With the above direction, this writ petition is disposed of. No costs. Consequently, connected W.M.P. is closed.

Sd/-

Assistant Registrar(V.O)

//True Copy//

Sub Assistant Registrar

To

- 1.The Tamil Nadu Electricity Regulatory Commission, Rep. by its Secretary, No.19A, Rukmani Lakshmipathy Salai, Egmore, Chennai - 600 008.
- 2.The Chairman and Managing Director, TANGEDCO, 144, Anna Salai, Chennai - 600 002.
- 3.The Superintending Engineer, Kancheepuram Electricity Distribution Circle, TANGEDCO, Kancheepuram - 631 502.

+lcc to M/S.S.K.Rameshuwar, Advocate Sr.33881
+lcc to M/S.K.Seshadri, Advocate Sr.33757

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