

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.14263 of 2018

M/s Sowmiya Spinners Pvt.Ltd.,
HTSC No.400
No.535/2A, 2B, 525/1B, K.G.Palayam Village
Kariyampalayam, Annur 641 653
Coimbatore rep.by its Authorized
Signatory P.Mohan Raj ... Petitioner

-vs-

1. The Chairman
Tamil Nadu Generation and Distribution
Corporation Limited
144, Anna Salai
Chennai 600 002
2. The Superintending Engineer
Coimbatore North Electricity Distribution Circle
Tamil Nadu Generation and Distribution
Corporation Limited, Tatabad
Coimbatore ... Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, directing the
second respondent to permit the petitioner to pay Rs.17,63,274/-
alone towards the Additional Security Deposit in 5 equal monthly
installments along with the regular current consumption charges.

For Petitioner :: Mr.R.S.Pandiyaraj

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

ORDER

The petitioner is manufacturing yarn products and giving employment opportunities to several hundreds of rural people and they are having HT service connection bearing No.400 under the jurisdiction of the second respondent herein. They have been already maintaining the Current Consumption Deposit of Rs.28,35,709/-. As per Regulation 5(5)(ii)(a) of the Tamil Nadu Electricity Supply Code 2004, the Current Consumption Deposit should be two times of the average electricity charges for the preceding 12 months prior to April for the monthly billed consumers like the petitioner. While so, the second respondent has sought for payment of Additional Current Consumption Deposit of Rs.26,44,911/- over and above the existing deposit of Rs.28,35,709/- in a lump sum from the petitioner, failing which to face disconnection. When the proceeding dated 26.4.2018 was issued by the Superintending Engineer, Coimbatore Electricity Distribution Circle/North to the petitioner claiming Rs.26,44,911/-, they have permitted the petitioner to pay the said deposit in three equated monthly installments on 19.5.2018, 19.6.2018 & 19.7.2018. Accordingly, the petitioner has also paid the first installment. Since this Court, while considering a similar prayer in W.P.No.10773 of 2018 by order dated 26.4.2018, has permitted the petitioner therein to pay the Additional Current Consumption Deposit in six installments, the learned counsel sought for a similar benefit to be extended to the petitioner in this case also for payment of the balance sum of Rs.17,63,274/- in five equated monthly installments.

2. Mr.S.K.Rameshuwar, learned standing counsel for the respondents submitted that after the petitioner approached the respondents expressing their difficulty in paying the Additional Current Consumption Deposit of Rs.26,44,911/- over and above the existing deposit, as per the Regulation 5(5)(ii)(a) of the Tamil Nadu Electricity Supply Code 2004, considering the difficulty faced by them, they were permitted to pay the Additional Current Consumption Deposit in three installments as mentioned in the proceeding dated 26.4.2018. However, after making the first installment, they have come to this Court.

3. It is true that the petitioner was permitted to pay the Additional Current Consumption Deposit of Rs.26,44,911/- in three installments and out of the three installments, the petitioner had also paid the first installment on 19.5.2018. When this Court in similar circumstances had permitted the industries like the petitioner to pay the Additional Current Consumption Deposit in six installments, following the order passed in W.P.No.10773 of 2018 dated 26.4.2018, this Court directs the petitioner herein to deposit the balance Additional Current Consumption Deposit of Rs.17,63,274/- in five equated

installments on 19.6.2018, 19.7.2018, 19.8.2018, 19.9.2018 & 19.10.2018, apart from the regular current consumption charges. It is made clear that if the petitioner commits any default in making the deposit, the respondents are at liberty to take appropriate action in accordance with law. With this direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman
Tamil Nadu Generation and Distribution
Corporation Limited
144, Anna Salai
Chennai 600 002
2. The Superintending Engineer
Coimbatore North Electricity Distribution Circle
Tamil Nadu Generation and Distribution
Corporation Limited, Tatabad
Coimbatore

+lcc to Mr.R.S.Pandiyaraj, Advocate Sr.No.37220

sm:19.6.2018

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