



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) Nos.7472 & 7473 of 2018
and
WMP(MD)No.7139 of 2018

M/s Sree Vadivambigai Textile Mills Private Limited.,

HTSC No.29,

Represented by its

Managing Director R.Subramanian,

372/294, Sakkanthi(Post),

Sivaganga - 630 561

Sivaganga District.

...Petitioner in both Writ Petitions

vs.

1) Tamil Nadu Generation and Distribution

Corporation Limited (TANGEDCO),

Represented by its Chairman

and Managing Director,

No.144, Anna Salai, Chennai 600 002.

2) The Chief Engineer - Commercial,

TANGEDCO,

144, Anna Salai, Chennai 600 002.

3) The Superintending Engineer,

Sivagangai Electricity Distribution Circle,

Sivagangai.

...Respondents in both Writ Petitions

PRAYER in W.P.(MD) No.7472 of 2018: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent to effect permanent disconnection to the petitioner's service connection in HTSC No.29 by considering representations/letters dated 16.02.2018, 09.03.2018 and 14.03.2018 filed by the petitioner.

PRAYER in W.P.(MD) No.7473 of 2018: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent to grant Low Tension (LT) Service connection to the petitioner's premises by considering the petitioner's Low Tension (LT) Service Connection Application dated



For Petitioner :Mr.N.Sudalaimuthu

For Respondents :Ms.S.Srimathy,
R1 to R3 Learned Standing Counsel

C O M M O N O R D E R

As the issues involved in both Writ Petitions are one and the same, the cases are taken up for disposal by a Common Order.

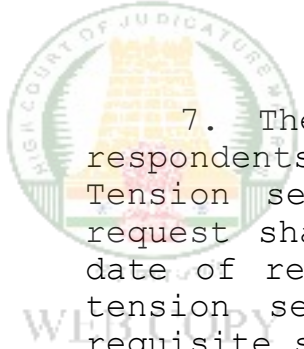
2. The limited prayer sought for in W.P.(MD) No.7472 of 2018 is for a direction to the 3rd respondent to effect permanent disconnection to the petitioner's service connection HTSC No.29 and in W.P.(MD) No.7473 of 2018, it is for a direction to the 3rd respondent to grant Low Tension (LT) Service connection to the petitioner's premises by considering the petitioner's Low Tension (LT) Service Connection Application dated 28.03.2018.

3. According to the learned counsel for the petitioner, the petitioner has outstanding consumption charges for the month of February and March 2018 and therefore, submitted that, since there is a deposit amount of Rs.68,16,890/- with the third respondent herein, the outstanding consumption charges can be adjusted out of the security deposit paid already.

4. Learned standing counsel for the respondents submitted on instructions, that they are willing to effect permanent disconnection. She further submitted that since a report given by the respondents state that, the levy of harmonic compensation charges prepared by the respondents is pending in a Writ Appeal, the security deposit may not be directed to be returned to the petitioner and it can be retained in the petitioner's deposit, till the disposal of the Writ Appeal.

5. I am not in agreement with the submission made by the learned standing counsel for the respondents. If at all, the respondents succeed in the Writ Appeal, entitling them to collect Harmonic consumption charges, it is always open to seek for such payment and since permanent disconnection has now been sought for by the petitioner, the Department may not be justified in holding the security deposit after effecting the disconnection.

6. In view of the submissions made by the learned standing counsel for the respondent, that they are willing to effect permanent disconnection, there will be a direction to the third respondent to effect permanent disconnection to the petitioner's service connection in HTSC No.29 within a period of two weeks from the date of receipt of a copy of this order. While effecting such disconnections, the third respondent is at liberty to adjust the outstanding dues in HTSC No.29 and pay the balance to the petitioner.



7. The petitioner is also granted liberty to approach the respondents with a fresh application seeking for grant of Low Tension services to the petitioner's premises at 373/294, which request shall be considered within a period of two weeks from the date of receipt of a copy of the application. While effecting Low tension service, the respondents are at liberty to demand any requisite statutory charges.

8. With the above directions, these Writ Petitions stand disposed of. However, there shall be no order as to costs. Consequently, connected WMP(MD)No.7139 of 2018 is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

- 1) Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
No.144, Anna Salai, Chennai 600 002.
- 2) The Chief Engineer - Commercial,
TANGEDCO,
144, Anna Salai,
Chennai 600 002.
- 3) The Superintending Engineer,
Sivagangai Electricity Distribution Circle,
Sivagangai.

+2CC to Mr.N.Sudalaimuthu, Advocate, SR.No. 62898 & 62899
+1CC to Mr.S.M.S.Johnny Basha, Advocate, SR.No. 63142

Common Order in
W.P. (MD) Nos.7472 & 7473 of 2018
23.04.2018

sts

AM/SV MMS/SAR 3/25.04.2018/3P/7C