



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2018

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.[MD]No.19486 of 2018andW.M.P.[MD]No.17302 of 2018

M/s.Sanji Steels,  
Rep. by the Managing Partner,  
S.A.Mubarak Ali,  
S.F.No.468/2, Velanchettiyur Post,  
Pallapatti - 639 207.  
Karur District.

: Petitioner

Vs.

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

2.The Superintending Engineer,  
Karur Electricity Distribution Circle,  
TANGEDCO, Karur District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to restore the existing HT Service Connection of the petitioner Company in Service No.104, on payment of 40% of entire outstanding due of electricity consumption charges (Rs.49,24,218/-) along with other incidental charges for reconnection, and permit the petitioner to pay the remaining due of 60% (Rs.73,86,326/-) in 10 monthly installments as per the Tamil Nadu Electricity Supply Code, 2004 and on the basis of petitioner's representations dated 26.07.2018 and 21.08.2018 within a reasonable time as may be prescribed by this Court.

For Petitioner : Mr.P.Jesus Moris Ravi

For Respondents : Mrs.M.Rajeswari  
for Mr.S.M.S.Johnny Basha

O R D E R

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namely, M/s.Sanji Steels, involved in the manufacturing of MS Ingots. The manufacturing had commenced in the year 2013. Before the commencement of manufacturing, the petitioner has made necessary application to the second respondent for providing High Tension (HT) Industrial and Commercial Service Connection for supply of electrical energy for a maximum demand of 4000 KVA. The petitioner has also made a deposit of Rs.82,00,000/- during the time of entering into the agreement with the respondent corporation.

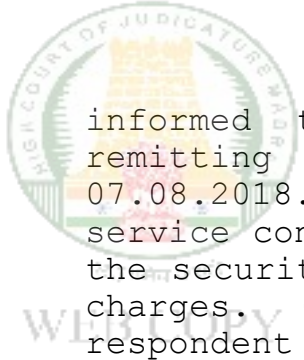
2.Considering the application in proper perspective, the respondents provided with HT Service Connection under Service No.104. Thereafter, the unit started functioning from the month of January 2013. The company also engaged several workers. Moreover, the petitioner has been promptly paying the entire electricity consumption charges without any failure.

3.While so, in 2015, the petitioner had to close down the unit in view of the power outages. Moreover, the petitioner was unable to operate the industry due to heavy financial loss incurred. On 21.07.2014, on behalf of the second respondent, the electricity service connection was disconnected. Thereafter, by proceedings dated 25.10.2014, the second respondent demanded notice directing the petitioner to settle the entire due within three months and on failure, it was indicated that service connection agreement would be terminated. The petitioner had also requested for grant of extension of time for paying the entire arrears accumulated to the tune of Rs.87,01,650/-. On 16.07.2015, the petitioner was informed that the electricity connection has been disconnected already and they have adjusted the pending security deposit amount of Rs.83,00,000/- towards the outstanding due payable by the petitioner and also demanded balance amount to the tune of Rs.22,31,841/-, payable by the petitioner to the respondent Corporation.

4.At this stage, the petitioner immediately sent a representation to the second respondent dated 03.09.2015, seeking further time for payment of outstanding due.

5.The first respondent without considering the above facts, has issued demand notices on 15.12.2015 and 22.01.2016, straightaway demanding the payment of Rs.22,31,841/-, inclusive of dismantling charges. However, the petitioner was not able to settle the dues in view of the fact that the manufacturing process was stopped and the efforts to re-start the company with the help of new partners was not favourable. In these circumstances, the petitioner on 26.07.2018, submitted a representation to the second respondent requesting to restore the existing HT service connection with a condition to settle the the entire dues as provided under the Tamil Nadu Electricity Supply Code, 2004 in 10 monthly instalments.

6.However, without considering the genuine difficulty faced by the petitioner and his representation, the second respondent



informed the petitioner to apply for fresh connection after remitting the outstanding amounts vide his proceedings dated 07.08.2018. According to the impugned communication, the entire service connection was disconnected and dismantled on 21.01.2015 and the security deposit was also adjusted with the pending consumption charges. On 21.08.2018, the petitioner informed the second respondent that he was inclined to pay 40% of the consumption charges upfront and the remaining amount would be paid in 10 equated monthly installments and is also willing to provide necessary re-connection charges.

7.The learned Counsel appearing for the petitioner would submit that the demand by the respondents that the petitioner has to seek fresh connection is contrary to the provisions of the Electricity Supply Code. What the petitioner sought for is only restoration of electricity connection within five year period from the date of disconnection.

8.Considering the above submission, this Court directs the petitioner to pay 40% of the demand made by the respondents within a period of four [4] weeks from the date of receipt of a copy of this order and on such payment (40%) being made, the respondents are directed to restore electricity connection to the petitioner premises. The petitioner is also directed to pay the remaining amount in ten equated monthly installments on or before 5<sup>th</sup> day of English Calender month commencing from December 2018. It is also made clear that the petitioner shall also pay the restoration charges for restoration of electricity to his premises.

9.With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-IV)

MR

To

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



2.The Superintending Engineer,  
Karur Electricity Distribution Circle,  
TANGEDCO, Karur District.

+1cc to Mr.P.Jesus Moris Ravi, Advocate in SR No.90260

W.P.[MD]No.19486 of 2018

NM/RP/SAR IV/14.11.18/4P/4C.