

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2019

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10710 of 2019

M/s Rajalakshmi Alloy Castings Private Limited
represented by its Director

44 & 45, SIPCOT Complex

Hosur 635 109

Krishnagiri District

.. Petitioner

-vs-

1. The Chairman

Tamilnadu Generation and Distribution
Corporation Ltd.,

10th Floor, NPKRR Maaligai

144, Anna Salai

Chennai 600 006

2. The Superintending Engineer

Tamilnadu Generation and Distribution
Corporation Ltd.,

Krishnagiri Electricity Distribution Circle

Krishnagiri 635 002

Krishnagiri District

.. Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, directing the
respondents to reconnect E.B. service connection to the
petitioner industry, without insisting for payment of penalty
and interest calculated on the consumption charges and minimum
charges and give 10 installments to pay back the amount to be
determined afresh by considering the representation dated
11.02.2019.

For Petitioner:: Mr.N.Manokaran

For Respondents:: Mr.M.Varunkumar
Standing Counsel

ORDER

M/s Rajalakshmi Alloy Castings Private Limited represented by its Director has filed this writ petition seeking a mandamus directing the respondents to reconnect the electricity service connection to the petitioner Industry, without insisting for payment of penalty and interest calculated on the consumption charges and minimum charges, with a further direction to give 10 installments to pay back the amount to be determined by the respondents on the basis of the representation dated 11.02.2019.

2. Learned counsel for the petitioner submitted that the petitioner unit was established in the SIPCOT complex Phase II at Hosur and they have also availed 3000 KVA power from the respondents for manufacturing M.S.Ingots. When the petitioner unit was carrying on its production till March 2015, unfortunately, due to the fire accident occurred in the year 2011 in which four of their employees lost their lives, the petitioner unit had to stop the production not only due to the said incident, but also due to the labour unrest demanding higher wages. As a result, the petitioner is liable to pay the consumption charges of Rs.42,72,288/- and Rs.32,45,020/- for the months of February and March 2015 respectively. When the sum of Rs.58,17,063/- towards security deposit and Rs.40,000/- towards meter deposit was already available in the hands of the respondents, the second respondent cannot demand interest at the rate of 1.5% and arrive at the demand of Rs.22,31,878/- towards the minimum charges, penalty and interest. However, a representation was immediately submitted to the Superintending Engineer, TANGEDCO, Krishnagiri Electricity Distribution Circle to restore the electricity service connection to the petitioner. But there was no response. They have also specifically requested some breathing time to pay the entire amount in view of the aforementioned reasons went beyond their control. But till date, there is no response. Therefore, they have been advised to come to this Court. The learned counsel also submitted that since the petitioner Industry is manufacturing M.S.Ingots and employing more than 48 employees, if the respondents come forward to grant ten monthly instalments to pay the entire balance amount, no prejudice will be caused to them. Otherwise, the petitioner will be facing problem in carrying on the production that would also affect the bread and butter of the employees.

3. The learned standing counsel for the respondents stated that the petitioner had committed default in the payment of consumption charges. Therefore, the service connection was disconnected to the petitioner Industry asking them to pay the interest at the rate of 1.5% and the representation given in this regard is also pending.

4. Taking note of the fact that a sum of nearly Rs.60,00,000/- is available at the hands of the respondents and in view of the sudden fire accident coupled with the labour unrest, the petitioner was unable to pay the consumption charges for the months in question to the respondents. Therefore, this Court, considering the livelihood of the 48 employees employed by the petitioner Industry, hereby directs the petitioner to clear the entire balance amount demanded by the respondents in seven equated monthly instalments. The first instalment shall commence on 2.5.2019 and the petitioner shall continue to pay the instalments on or before 5th of every succeeding English calendar months. It is made clear that if the petitioner commits any default in payment of any one of the instalments as directed in this order, it is open to the respondents to take appropriate action. The respondents shall restore the electricity service connection to the petitioner Industry within a week from the date of receipt of a copy of this order. With this direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman
Tamilnadu Generation and Distribution
Corporation Ltd.,
10th Floor, NPKRR Maaligai
144, Anna Salai
Chennai 600 006
2. The Superintending Engineer
Tamilnadu Generation and Distribution
Corporation Ltd.,
Krishnagiri Electricity Distribution Circle
Krishnagiri 635 002
Krishnagiri District

+1cc to Mr.N.Manokaran, Advocate sr.35578
+1cc to Mr.M.Varunkumar, Advocate sr.no.36190

W.P.No.10710 of 2019

nr 24/04/2019