

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.13574, 13579, 13582, 13587, 13591, 13596 of 2019

M/s V.R.Foundries-Unit II
S.F.No.478/1&2, Ponnandampalayam
Kaniyur Village, Sulur Taluk
Coimbatore 641 004
represented by its Authorised Signatory
Mr.K.Senthilkumar ... Petitioner in WP 13574/2019

Victory Spinning Mills Pvt.Ltd., Unit-II
HTSC No.351
Uppupalayam Village (Veppadi)
Modamangalam Post
Tiruchengode 637 304 rep.by its
Authorised Signatory Durai Karthikeyan
... Petitioner in WP 13579/2019

PK Laxmi Mill India P.Ltd.,
HTSC No.327
No.6 Bye-pass Road, Pallipalayam
Erode 638 006 rep.by its
Authorised Signatory C.Muthuvel
... Petitioner in WP 13582/2019

M/s Eveready Spinning Mills (P) Ltd.,
HTSC No.347 Unit IV
Kottaiyur Agaram Village
Thadicombu 624 709
represented by its Authorised Signatory
Mr.M.Ganeshbabu
... Petitioner in WP 13587/2019

Sri Vaari Spinning Mills
HTSC No.116
Semmadaipatty Palakanuthu Post
Dindigul 624 624
rep.by its Authorised Signatory
Manikandarajan ... Petitioner in WP 13591/2019

Subburaj Cotton Mills (P) Ltd.,
Srivilliputhur Road
Rajapalayam 626 117
Virudhunagar District
rep.by its Authorised Signatory G.Raja

..Petitioner in WP 13596/2019

-vs-

1. The Chairman
Tamil Nadu Generation and
Distribution Corporation Limited
144, Anna Salai
Chennai 600 002 ..1st Respondent in all the W.P's
2. The Superintending Engineer
TANGEDCO, Tatabad
Coimbatore Electricity
Distribution Circle (South)
Coimbatore ..2nd Respondent in
..W.P.No.13574/2019
3. The Superintending Engineer
Mettur Electricity Distribution Circle
Tamil Nadu Generation and
Distribution Corporation Limited
Mettur Dam ..2nd Respondent in
..W.P.No.13579/2019
4. The Superintending Engineer
TANGEDCO
Dindigul Anna Electricity
Distribution Circle ..2nd Respondent in
M.N.Patty Post, Dindigul ..W.P.Nos. 13582, 13587,
13591/2019
5. The Superintending Engineer
TANGEDCO
Virudhunagar Electricity
Distribution Circle ..2nd Respondent in
Virudhunagar ..W.P.No.13596/2019

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first and second respondents to permit the petitioners to pay the Additional Security Deposit of Rs.3,51,00,086/-, Rs.78,00,849/-, Rs.67,13,441/-, Rs.3,33,00,721/-, Rs.20,49,152/-, Rs.2,71,91,174/- alone in 6 equal monthly installments along with the regular current consumption charges, respectively.

For Petitioners:: Mr.R.S.Pandiyaraj

For Respondents:: Mr.S.K.Rameshuwar and
Mr.P.R.Dhilip Kumar
Standing Counsels

ORDER

The writ petitions have been filed seeking issuance of a mandamus directing the first and second respondents to permit the petitioners to pay the Additional Security Deposit of Rs.3,51,00,086/-,Rs.78,00,849/-,Rs.67,13,441/-,Rs.3,33,00,721/-, Rs.20,49,152/-, Rs.2,71,91,174/- alone in 6 equal monthly installments along with the regular current consumption charges, respectively.

2. Heard both sides.

3. The issue raised in these writ petitions has already been considered by this Court in W.P.Nos.10994 to 10996 of 2018 dated 27.4.2018 (Victory Spinning Mills Pvt. Ltd., HTSC No.229, Tiruchengode v. The Chairman, Tamil Nadu Generation and Distribution Corporation Limited and others), wherein it has been held as follows:-

"6. This Court agrees with the submissions made by the learned counsel for the petitioners that the amended Regulation 5(5) (iv) of the Tamil Nadu Electricity Supply Code stipulates 3 installments to pay the additional security deposit. Therefore, following the earlier orders passed by this Court including the one passed by this Court in W.P.No.9049 of 2016 dated 04.05.2016, W.P.No.11500 of 2017 dated 05.05.2017, W.P.No.13283 of 2017 dated 24.05.2017 and W.P.No.8308 of 2015 dated 20.05.2015, taking note of the financial status of the petitioners, this Court grants 6 equal monthly installments to clear the balance security deposit of Rs.31,99,969/-, Rs.28,71,141/- and Rs.1,07,59,716/-. The 1st installment is payable on or before 15.05.2018 (W.P.Nos.10994 & 10995/2018), 20.05.2018 (W.P.No.10996/2018), the 2nd installment on or before 15.06.2018 (W.P.Nos.10994 & 10995/2018), 20.06.2018 (W.P.No.10996/2018), the 3rd installment on or before 15.07.2018 (W.P.Nos.10994 & 10995/2018), 20.07.2018 (W.P.No.10996/2018),

the 4th installment on or before 15.08.2018 (W.P.Nos.10994 & 10995/2018), 20.08.2018 (W.P.No.10996/2018), the 5th installment on or before 15.09.2018 (W.P.Nos.10994 & 10995/2018), 20.09.2018 (W.P.No.10996/2018), the 6th installment on or before 15.10.2018 (W.P.Nos.10994 & 10995/2018), 20.10.2018 (W.P.No.10996/2018). It is made clear that if the petitioners commit any single default, it is for the respondents to take appropriate action against them.

7. With the above observation and direction, the writ petitions are disposed of. No costs."

4. In the light of the above, these writ petitions are disposed of directing the petitioners to pay the Additional Security Deposit of Rs.3,51,00,086/-, Rs.78,00,849/-, Rs.67,13,441/-, Rs.3,33,00,721/-, Rs.20,49,152/-, Rs.2,71,91,174/- respectively, in six equal monthly installments, in addition to the regular current consumption charges. The 1st installment is payable on or before 25.05.2019 (W.P.No.13574/2019), 20.05.2019 (W.P.No.13579/2019), 21.05.2019 (W.P.Nos.13582, 13587 & 13591/2019), 23.05.2019 (W.P.No.13596/2019), the 2nd installment on or before 25.06.2019 (W.P.No.13574/2019), 20.06.2019 (W.P.No.13579/2019), 21.06.2019 (W.P.Nos.13582, 13587 & 13591/2019), 23.06.2019 (W.P.No.13596/2019), the 3rd installment on or before 25.07.2019 (W.P.No.13574/2019), 20.07.2019 (W.P.No.13579/2019), 21.07.2019 (W.P.Nos.13582, 13587 & 13591/2019), 23.07.2019 (W.P.No.13596/2019), the 4th installment on or before 25.08.2019 (W.P.No.13574/2019), 20.08.2019 (W.P.No.13579/2019), 21.08.2019 (W.P.Nos.13582, 13587 & 13591/2019), 23.08.2019 (W.P.No.13596/2019), the 5th installment on or before 25.09.2019 (W.P.No.13574/2019), 20.09.2019 (W.P.No.13579/2019), 21.09.2019 (W.P.Nos.13582, 13587 & 13591/2019), 23.09.2019 (W.P.No.13596/2019), the 6th installment on or before 25.10.2019 (W.P.No.13574/2019), 20.10.2019 (W.P.No.13579/2019), 21.10.2019 (W.P.Nos.13582, 13587 & 13591/2019), 23.10.2019 (W.P.No.13596/2019). If the petitioners commit any single default, it is for the respondents to take appropriate action against them. No costs.

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Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Chairman
Tamil Nadu Generation and
Distribution Corporation Limited
144, Anna Salai
Chennai 600 002

2. The Superintending Engineer
TANGEDCO, Tatabad
Coimbatore Electricity
Distribution Circle (South)
Coimbatore

3. The Superintending Engineer
Mettur Electricity Distribution Circle
Tamil Nadu Generation and
Distribution Corporation Limited
Mettur Dam

4. The Superintending Engineer
TANGEDCO
Dindigul Anna Electricity
Distribution Circle
M.N.Patty Post, Dindigul

5. The Superintending Engineer
TANGEDCO
Virudhunagar Electricity
Distribution Circle
Virudhunagar

+1cc to Mr.R.S.Pandiyaraj Advocate, SR.No.42362
+5CCs to Mr.R.S.Pandiyaraj Advocate, SR.No.42362
(dated: 25/07/2019)

W.P.Nos.13574, 13579, 13582, 13587,
13591 & 13596 of 2019

Kak (24/06/2019)
Kak (25/07/2019)

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