

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.08.2019

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.24631 of 2019

M/s Rajave Textiles (P) Ltd.,
(HTSC No.039094350121)

77/1, Kannampalayam Road,
Sulur (via) 641 402,
Coimbatore District,

Represented by C.Arunkumar,
HR Manager

... Petitioner

/versus/

1.The Superintending Engineer,
TANGEDCO,
Coimbatore Electricity Distribution
Circle/Metro,
Coimbatore.

2.The Chief Financial Controller-Revenue,
TANGEDCO,
7th Floor, 144 Anna Salai,
Chennai 600 002.

.. Respondents

Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the first respondent, the Superintending Engineer, TANGEDCO, Coimbatore Electricity Distribution Circle, Metro, Coimbatore, to refund the excessively held deposit of Rs.75,51,991.00 to the petitioner by way of a cheque as mandated by Clause 5(5)(v) of the Tamil Nadu Electricity Supply Code, 2004 before the due date of payment of CC bill for June 2019.

For Petitioner :Mr.R.S.Pandiyaraj

For Respondents :Mr.S.K.Rameshwar, st.c.
for R1 and R2

O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus directing the first respondent, the Superintending Engineer, TANGEDCO, Coimbatore Electricity Distribution Circle/Metro, Coimbatore, to refund the excessively held deposit of Rs.75,51,991.00 to the petitioner by way of a cheque, as mandated by Clause 5(5)(v) of the Tamil Nadu Electricity Supply Code, 2004 before the due date of payment of current consumption bill for June 2019.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

charges, without any default to the 1st respondent sofar.

4. According to the Clause 35 of the Tamil Nadu Electricity Distribution Code, 2004, every consumer of electricity is mandated to make security deposit towards the supply of electricity with the respondent/TANGEDCO and accordingly, as per the mandate, the petitioner is also maintaining sufficient security deposit with the 1st respondent during all these years. Further, according to Clause 5(5) of the Tamil Nadu Electricity Supply Code, 2004, the adequacy of the security deposit held with the TANGEDCO, would be reviewed by the concerned Superintending Engineer on the closure of each financial year and accordingly, in case the Superintending Engineer finds that the amount of security deposit is not sufficient, based on the consumption pattern of the consumer, the Superintending Engineer would demand payment of additional security deposit as per Clause 5(5)(iv) of the Tamil Nadu Electricity Supply Code, 2004. Such process of reviewing of adequacy of security deposit would normally happen immediately on the commencement of each financial year, during the month of April of the new financial year. All the procedures dealing with the adequacy and review of security deposit are dealt with under Clause 5(5) of the Tamil Nadu Electricity Supply Code, 2004.

5. The petitioner submits that in the case of the petitioner on review of the adequacy of the deposit as on 01.04.2019, the petitioner was having an excess security deposit to the tune of Rs.87,96,414.00, which was intimated to be petitioner by the 1st respondent, as per his letter No.SE/EDC/DFC/RCS/FSD/D 448/2019 dated 16.04.2019. As per Clause 5(5)(v) of the Tamil Nadu Electricity Supply Code, 2004, the 1st respondent has adjusted the available excess security deposit of Rs.87,96,414.00 against the current consumption charges bill of the petitioner for the month of April 2019 at Rs.6,45,243.00 and for the month of May 2019 at Rs.5,99,180.00, totalling to a sum of Rs.12,44,423.00. However, even after the said adjustments of the excess security deposit against the consumption charges for April and May 2019, there remains still a balance of Rs.75,51,991.00, which ought to have been repaid to the consumer/petitioner through a cheque as mandated under Clause 5(5)(v) of the Tamil Nadu Electricity Supply Code, 2004 before the due date of payment of current consumption bills for the month of June 2019(i.e) before 08.07.2019.

6. However, when the petitioner approached the 1st respondent on many occasions, the 1st respondent is informing that the repayment of the available balance of Rs.75,51,991.00 would be decided only after getting instructions from the 2nd respondent, the Chief Financial Controller-Revenue, Chennai.

7. Clause 5(5)(v) of the Tamil Nadu Electricity Supply Code, 2004 clearly mandates that the excess security deposit held by the TANGEDCO should be refunded after adjusting against two future demands and before due dates for payment of the third demand.

8. Here is the case where the respondents are holding the money for a long time, after adjusting two future bills during the months of April and May 2019.

two more months is contrary to Rule 5(5)(v) of the Tamil Nadu Electricity Supply Code, 2004, which reads as below:

"5(5)(v)Where, on review, the amount of security deposit held is found to be in excess of the requirement, the excess shall be adjusted against two future demands for the electricity supplied. Where, after such adjustment in future of two demands, there is balance to be refunded, the refund shall be made by cheque before the due date for payment of the third demand."

Therefore, the respondents herein are directed to refund the amount as early as possible not later by four weeks from today.

10. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

Sub Assistant Registrar

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To:

1.The Superintending Engineer,
TANGEDCO,
Coimbatore Electricity Distribution
Circle/Metro,
Coimbatore.

2.The Chief Financial Controller-Revenue,
TANGEDCO,
7th Floor, 144 Anna Salai,
Chennai 600 002.

+1cc to Mr.Pandiyaraj, Advocate, S.R.No. 73690
+1cc to Mr.Rameshuwar, Advocate, S.R.No. 74438

W.P.No.24631 of 2019

MG(CO)
GN(30/08/2019)