

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.07.2020

CORAM :

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.9539 of 2020

Nectar Crafts, HTSC No.129
SF No.26 & 27, Karaipudur Wage,
Anipuram P.O., Palladan Road, Tirupur
rep. by its Authorized Signatory
B.Bharathi

...Petitioner

Vs.

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai - 600002.
2. The Superintending Engineer,
TANGEDCO,
Tirupur Electricity Distribution Circle,
Tirupur.

....Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus to direct the 2nd respondent to permit the petitioner to pay the past period arrears of electricity charges of Rs.9,38,856/- levied in his CC bill under serial No.10 "Adjustment charges" in Bill No.9094380129062001, dated 01.06.2020 alone in 6 equal monthly installments and the 1st installment to start from August, 2020

For Petitioner : Mr.R.S.Pandiyaraj
For Respondents : Mr.N.Damodaran
Standing Counsel

O R D E R

(The case has been heard through video conference)

Mr.N.Damodaran, learned Standing Counsel takes notice for the respondents and on consent, the main writ petition itself is taken up for final hearing.

2. This writ petition has been filed for the issuance of Writ of Mandamus, directing the second respondent to permit the petitioner to pay the arrears of electricity charges in equal monthly installments.

3. The case of the petitioner is that the petitioner comes under the Group Captive Scheme and the petitioner was issued with show cause notice based on an audit objection and the current consumption bills for the period from April 2017 to March 2018 was revised and the petitioner was asked to pay an additional amount of Rs.9,38,856/-. The petitioner on receipt of the show cause notice, made efforts to give a reply. However, the petitioner has now taken a decision to comply with the demand made in the show cause notice. Considering the pandemic situation and financial difficulties faced by the petitioner, the petitioner wants to pay the demand made by the respondents in six equal installments. The petitioner also made a representation on 10.07.2020 to the second respondent in this regard. The further grievance of the petitioner is that the second respondent is now seeking to recover the entire dues. Therefore, the present writ petition has been filed before this Court seeking for an appropriate direction.

4. Heard Mr.R.S.Pandiyaraj, learned counsel appearing for the petitioner and Mr.N.Damodaran, learned standing counsel appearing for the respondents.

5. The categoric stand taken by the petitioner is that the petitioner is willing to pay the amount that was demanded in the show cause notice and the petitioner only requires time. This amount came to be demanded based on an audit report and it is an addition to the current consumption charges that was paid during the period from April 2017 to March 2018.

6. Considering the present condition, this Court is inclined to permit the petitioner to pay the electricity charges in installments.

7. In view of the above discussion, this writ petition is disposed of with the following directions :-

(a) The petitioner is directed to pay a sum of Rs.2,00,000/- every month starting from August 2020 along with monthly consumption charges for the relevant month;

(b) The final installment of Rs.1,38,856/- shall be paid as the last installment in December 2020 along with the relevant current consumption charges and;

(c) if the petitioner does not comply with any one of the condition imposed by this Court, it is open to the respondents to proceed further and take action in accordance in law without any further reference to this Court.

No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai - 600002.
2. The Superintending Engineer,
TANGEDCO,
Tirupur Electricity Distribution Circle,
Tirupur.

+1cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.25163

W.P.No.9539 of 2020

LN (CO)
KKV/04/08/2020

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