

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.11160 of 2020

M/s. Sri Krishna Alloys,
H.T.S.C.No.049094220110
Akkammampet P.O.,
Sankari Taluk,
Salem District,
Rep. by its Managing Director,
N. Anbalagan

... Petitioner

Vs.

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

2.The Superintending Engineer,
Mettur Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation,
Mettur - 636 401 ...Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the 2nd respondent to permit the petitioner to pay the Additional Current Consumption Deposit of Rs.37,83,930/- in 6 monthly instalments along with the regular current consumption charges for its H.T.S.C.No.049094220110 of M/s. Sri Krishna alloys and pass orders.

For Petitioner : Mrs. A.L.Ganthimathi

For Respondents : Mr.N.Damodharan, Standing Counsel

O R D E R

This writ petition has been filed for a direction to the respondents to consider the request made by the petitioner, wherein, the petitioner has requested for payment of Additional Security Deposit in 6 equal monthly instalments.

2.The petitioner is having a HT service connection. As per the Tamil Nadu Electricity Supply Code, 2004, the Security Deposit will be revised every year under Regulation 5(5).

Accordingly, the second respondent has revised the Security Deposit and has informed the petitioner through his letter dated 22.07.2020 to pay the Additional Security Deposit of Rs.37,83,930/- over and above the existing deposit in one lumpsum. If this amount is not paid by the petitioner, the electricity supply will stand disconnected.

3.The petitioner had stated that due to the current situation and severe financial constraints, the petitioner is not in a position to pay the entire Additional Security Deposit in one lumpsum. The petitioner has therefore made a representation on 24.07.2020 to the respondents to permit the petitioner to pay the Additional Security Deposit in 10 equal monthly instalments. Since it was not acted upon, the present writ petition has been filed before this Court seeking for appropriate direction.

4.Heard Mrs.A.L.Ganthimathi, learned counsel appearing on behalf of the petitioner and Mr. N.Damodharan, learned Standing Counsel appearing on behalf of the respondents.

5. The learned counsel for the petitioner submits that the petitioner has already paid the first instalment of Rs.12,61,310/- under threat of disconnection of electricity. Therefore, the learned counsel submits that the balance amount towards Additional Current Consumption Deposit should be permitted to be paid in 6 monthly instalments.

6.It is seen from the records that similar such request has been entertained by this Court and this Court considering the facts and circumstances of the case, has permitted the consumer to pay the Additional Security Deposit in 6 instalments. Useful reference can be made to the order by this Court in W.P.No.10947 of 2017 and W.P.No.11686 of 2018.

7.Taking into consideration the facts and circumstances of the case and the present situation that is prevailing, there shall be a direction to the petitioner to pay the balance Additional Security Deposit of Rs.25,22,620/- (Rupees Twenty Five Lakhs Twenty Two Thousand Six Hundred and Twenty Only) in 6 equal monthly instalments commencing from September 2020. If in case, the petitioner defaults in making the payment, it is always open to the respondents to initiate appropriate action in accordance with law.

8.This writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

To

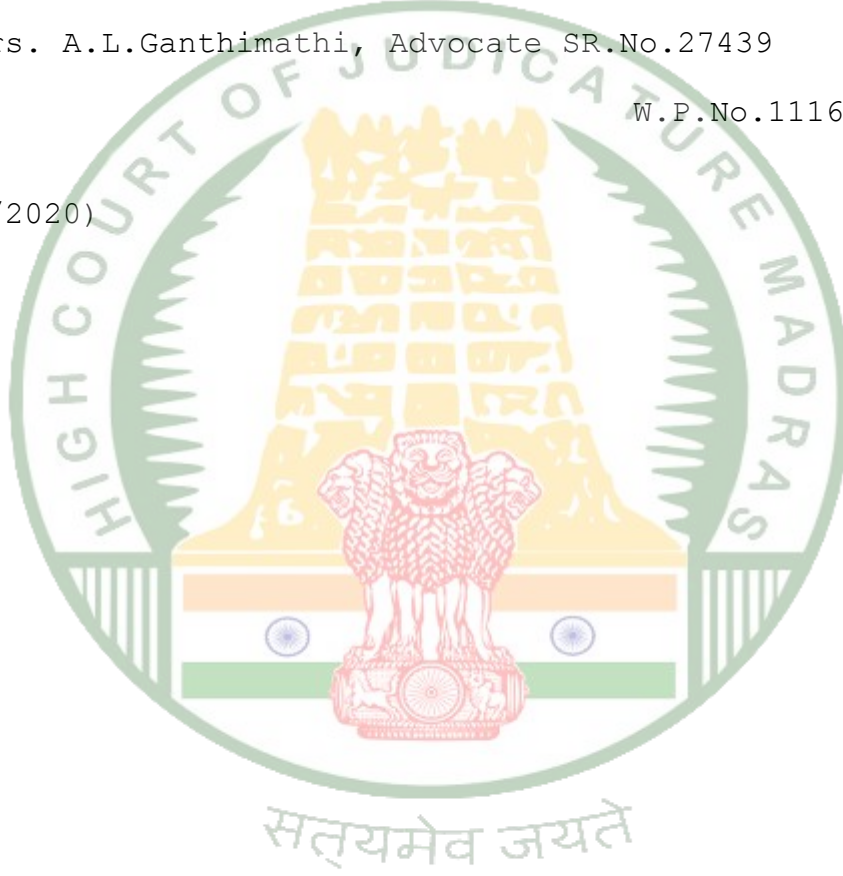
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+1cc to Mrs. A.L.Ganthimathi, Advocate SR.No.27439

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RSV(CO)
GMY(02/09/2020)



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