

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.08.2020

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
W.P.No.11422 of 2020

The Lakshmi Mills Company Ltd.
Rep. by its Authorized Signatory,
686, Avinashi Road,
Pappanaickempalayam,
Coimbatore - 641 037.

... Petitioner

Vs.

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

2.The Superintending Engineer,
Erode Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Limited, Erode.

3.The Superintending Engineer,
Tuticorin Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Limited,
131, 132, Ettayapuram Road,
Tuticorin.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to permit the petitioner to pay the Additional Security Deposit in respect of the petitioner's HTSC No.39094390231 within the jurisdiction of the 2nd respondent and HTSC No.07909470002 within the jurisdiction of the 3rd respondent of Rs.2,79,07,657/- and Rs.2,47,49,573/- respectively in 10 equal monthly installments commencing from October/November 2020.

For Petitioner : Mr.R.Parthasarathy

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 permit the petitioner to pay the Additional Security Deposit in 10 equal monthly installments.

2.The petitioner is having two HT service connections. As per the Tamil Nadu Electricity Supply Code, 2004, the Security Deposit will be revised every year under Regulation 5(5). Accordingly, the third respondent has revised the Security Deposit in respect of HTSC No.079094700002 and the second respondent has revised the Security Deposit in respect of HTSC No.039094390231 and have informed the petitioner through their letters dated 20.07.2020 and 27.07.2020 respectively to pay the Additional Security Deposit of Rs.2,47,49,573/- and Rs.2,79,07,657/- respectively over and above the existing deposit in one lumpsum. If these amounts are 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 07.08.2020 to the respondents 2 and 3 to permit the petitioner to pay the Additional Security Deposit in 10 equal monthly installments. Since it was not acted upon, the present writ petition has been filed before this Court seeking for appropriate direction.

4.Heard Mr.R.Parthasarathy, learned counsel appearing on behalf of the petitioner and Mr.N.Damodharan, learned Standing Counsel appearing on behalf of the respondents.

5.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 installments. Useful reference can be made to the order of this Court in W.P.No.10947 of 2017 and W.P.No.11686 of 2018.

6.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 Additional Security Deposits claimed by the second and third respondents in 6 equal monthly installments 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.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To:

- 1.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai 600 002.
- 2.The Superintending Engineer,
Erode Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Limited, Erode.
- 3.The Superintending Engineer,
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131, 132, Ettayapuram Road, Tuticorin.

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