

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.11571 of 2020
and
W.M.P. No.14168 of 2020

CHEENU AMMA AALLOY (P) Ltd.,
H.T.SC No. 0390943390 272,
S.F.No. 367, Appanaickenpatty Pudur,
Sulur, Coimbatore - 614 402.

... Petitioner

Vs.

1.The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO)
No.144, Anna Salai,
Chennai - 600 002.

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

3. The Tamil Nadu Electricity Regulatory,
Commission, Rep by its Secretary,
No.19.A, Ruckmini Lakshmipathy Salai,
Egmore, Chennai - 600 008.

...Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Certiorarified Mandamus, to call for the records in Lr.No.SE/Palladam EDC/DFC/AO/AS/HT SC 0390943390272/ D.No.314/20 dated 27.07.2020 of the 2nd respondent with regard to the demand of Additional Current Consumption Deposit for Rs.1,45,12,273/- (Rupees One Crore Forty Five Lakhs Twelve Thousand Tow Hundred and Seventy Three only) in one lump sum and quash the same in as much as it failed to take into consideration the request for installment payment by the petitioner and consequently direct the 1st and 2nd respondents to permit the petitioner to pay the Additional Current Consumption Deposit amount of Rs.1,45,12,273/- (Rupees One Crore Forty Five Lakhs Twelve Thousand Two Hundred and Seventy Three only) in 10 (Ten) monthly installments instead of one lump sum.

For Petitioner : Mr. K.Narasimhan

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 10 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 27.07.2020 to pay the Additional Security Deposit of Rs.1,45,12,273/- 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 12.08.2020 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 Mr.K.Narasimhan, 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 10 instalments. 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 Deposit claimed by the second respondent 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.

7.This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kst/ap

To

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EV(CO)
CB(04/09/2020)

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