

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.15810 of 2020

and

W.M.P.No.19652 of 2020

N.S.Rathinam and Sons Pvt. Ltd., ... Petitioner
Integrated Cold Chain Infrastructure Facility,
Rep by its Managing director R.Chandrasekaran
Having Registered office at
No.291, M.T.H. Road, Avadi,
Chennai 600 054.

Vs.

- 1.Tamil Nadu Generation and ... Respondents
Distribution Corporation Ltd.,
Rep. By its Chairman and Managing director
10th Floor, NPKRR Maaligai,
144, Anna Salai,
Chennai - 600 002
- 2.The Chief Financial Controller - Revenue,
TANGEDCO,
7th Floor, 144, Anna salai,
Chennai 600 002.
- 3.The Superintending Engineer,
TANGEDCO,
Dindigul Electricity Distribution Circle,
Dindigul

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 2 & 3 to extend the March to August, 2020, billing payment period with the six monthly installments for the petitioner company's High Tension Electricity Service Connection HT No.059094500354 by following the Tamil Nadu Electricity Supply Code, 2004, by considering the petitioner's representation dated 19.10.2020.

For Petitioner : D.Lakshmipathy
For Respondents :

ORDER

This Court passed the following order on 11.11.2020:-

The third respondent has filed a counter affidavit. It is seen from the counter affidavit that the petitioner has consumed electricity from the month of March 2020 till the month of September 2020 to the tune of nearly Rs.80,00,000/- (Rupees Eighty lakhs only). It is also seen from the counter that even during the lock down period, the petitioner had utilized about 250 KVA against the sanctioned demand of 418 KVA every month. Therefore, the learned Standing Counsel appearing on behalf of the respondents vehemently opposed the payment of the current consumption charges in installments. The learned Standing Counsel further submitted that neither the Electricity Act nor the code permit such payment of current consumption charges in installments.

2. The learned counsel for the petitioner submitted that even though there are no legal grounds to sustain the claim made by the petitioner, this Court can consider the request made by the petitioner on equitable grounds subject to any conditions imposed by this Court.

3. Taking into consideration the facts and circumstances of the case, the petitioner is directed to deposit a sum of Rs.50,00,000/- (Rupees Fifty Lakhs only) before the third respondent on or before 25.11.2020.

4. Post this case under the caption ''for reporting compliance'' on 26.11.2020. In the meantime, the respondents are directed not to disconnect the electricity connection.

2. It is brought to the notice of this Court that the above order was not complied with by the petitioner. The learned counsel for the petitioner submitted that the petitioner was not able to mobilize the funds.

3. In view of the above, this Court is not inclined to

entertain this writ petition and accordingly, the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

-Sd/-

Assistant Registrar (CS)

// True Copy //

Sub Assistant Registrar

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To

1.Tamil Nadu Generation and Distribution Corporation Ltd.,
Rep. By its Chairman and Managing director
10th Floor, 144, Anna Salai,
Chennai - 600 002

2.The Chief Financial Controller - Revenue,
TANGEDCO,
7th Floor, 144, Anna salai,
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3.The Superintending Engineer,
TANGEDCO,
Dindigul Electricity Distribution Circle,
Dindigul

+1 C.C. to MR.S.K.RAMESHKUMAR Advocate SR.NO.38193

W.P.NO.15810 of 2020

and W.M.P.No.19652 of 2020

SPD (CO)

UM (15.12.2020)

सत्यमेव जयते

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