

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.16319 of 2020

Athimaharaja Alloys Pvt. Ltd.,
HT SC No.335
S.F.No.2/2, Sirukalandai Village
Jakkarpalayam (PO)
Pollachi (TK)
Rep. By its Director
V.Balakrishnan Petitioner

Vs.

- 1 The Chairman
Tamil Nadu Generation and Distribution Corporation Ltd,
No. 144 Anna Salai
Chennai-600 002.
- 2 The Superintending Engineer
TANGEDCO
Udumalpet Electircity Distribution Circle
Udumalpet- 642 204Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India, seeking a Writ of Mandamus, directing the 1st and 2nd Respondent to permit the petitioner to pay the Additional Security Deposit of Rs.80,26,848/- alone in 10 equal monthly instalments along with regular current consumption charges.

For Petitioner : Mr. R.S.Pandiyaraj

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 24.07.2020 to pay the Additional Security Deposit of Rs.80,26,848/- over and above the existing deposit, in one lumpsum on or before 22.08.2020. 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 on or before 22.08.2020. The petitioner has, therefore, made a representation on 31.08.2020 to the second respondent to permit the petitioner to pay the Additional Security Deposit in 10 (ten) instalments. Since it was not acted upon, the present writ petition has been filed before this Court seeking for appropriate direction.

4. Heard Mr.R.S.Pandiyaraj, 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 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 respondents in 6 equal monthly instalments commencing from 4th December 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.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

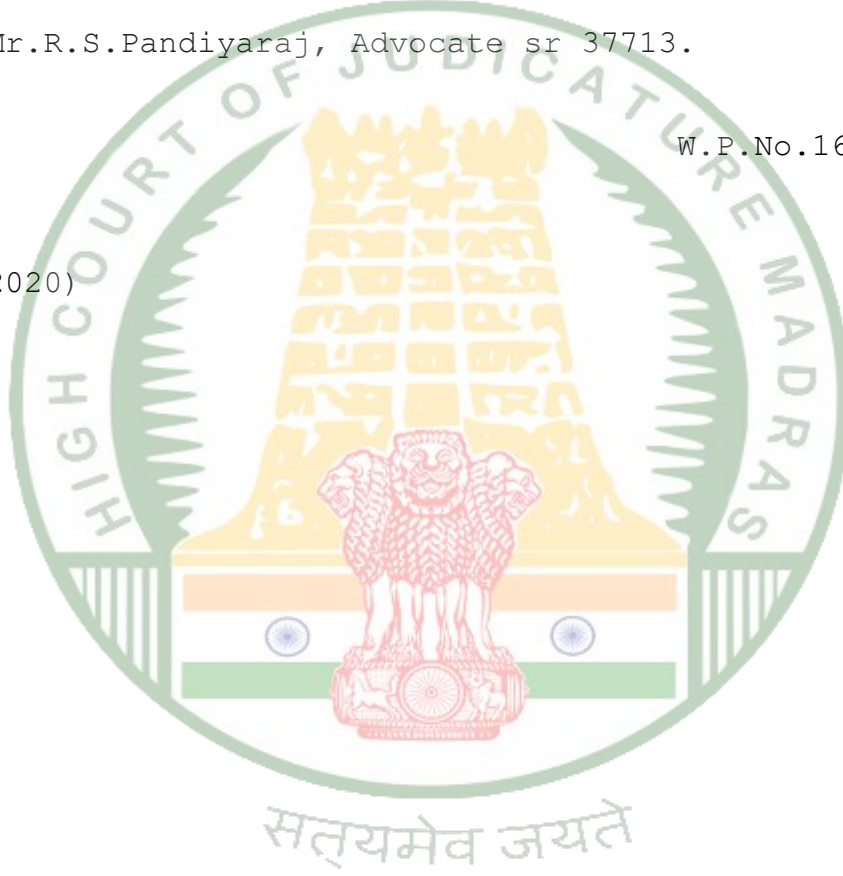
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+1 CC to Mr.R.S.Pandiyaraj, Advocate sr 37713.

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SAI (CO)
SP (04/12/2020)



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