

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.17912 of 2020

and

WMP Nos.22916 and 22974 of 2020

1 Sun Minerals
(Reg No.160/2017)
VSI M Sand Manufacturers,
Rep by its Managing Partner
R. K. Leela Krishnan,
S/o. of R.D. Krishnan No.72/1A
Thakkolam Village
OPP to CISF Defence
Campus Thakkolam Post
Arakkonam Taluk,
Vellore District now Ranipet District.
...Petitioner

. Vs.

- 1.The Superintending Engineer
Vellore Ambedkar Electricity Distribution Circle
Tamil Nadu General and Distribution
Corporation Ltd ., (TANGEDCO)
Gandhi Nagar
Vellore- 632006.
- 2.The Assistant Executive Engineer (O and M)
Tamil Nadu General and Distribution
Corporation Ltd., (TANGEDCO)
Thakkolam, Arakkonam Taluk
Vellore District Now Ranipet.
- 3 The Chairman and Managing Director
Tamil Nadu General and Distribution
Corporation Ltd., (TANGEDCO)
No.144, Anna salai Chennai- 2.
...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records under Letter No.SEV/DFC/RCS/AO/HT/AS/A-1/F.CC/2020 dated 17.11.2020, on the file of the 1st Respondent

insofar as the Petitioner is concerned with respect to HTSC No. 089094121383 situated in SF. No 72/1A 1B IC 1E Takkolam Village OPP to CISF Defence Campus Takkolam Arakkonam Taluk and quash the same.

For Petitioner : Mr.S.Sadasharam

For RR 1 and 2 : M. Varun Kumar

For R 3 : Mr.P.Gunaraj
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned demand notice issued by the 1st respondent directing the petitioner to pay the additional current consumption security deposit of Rs. 3,26,281/-.

2. The petitioner is availing High Tension service connection from the respondents. As per the Tamil Nadu Electricity Supply Code 2004, the additional security deposit can be demanded by the respondents from the HT consumers at the time of reviewing the security deposit every year and it is found to be inadequate. Clause 5 of the Code also provides for the basis on which this additional security deposit can be determined. If the available deposit is less than the security deposit, the balance can be collected as additional security deposit. Non payment of the same will result in disconnection of the service connection.

3. The main ground that has been raised by the petitioner while challenging the impugned notice claiming for additional security deposit is that the factory was shut for most of the period this year due to the pandemic condition and that the petitioner is already incurring loss and therefore, it will be unreasonable on the part of the respondents to demand for additional security deposit.

4. Heard Mr.S.Sadasharam, learned counsel for petitioner and Mr.Varun Kumar, learned Standing Counsel appearing on behalf of respondents 1 and 2 and Mr.P.Gunaraj, learned Standing Counsel appearing on behalf of the 3rd respondent.

5. In the considered view of this Court, the operation of the industry during the current year will have nothing to do with the collection of additional security deposit. The petitioner has not established that the additional security deposit demanded by the respondents has not been calculated in the manner provided under Clause 5 of the Tamil Nadu Electricity Supply Code, 2004. The respondents while assessing the adequacy of the security deposit that was lying with them, found that there was inadequacy and therefore the extent to which it was inadequate was demanded from the petitioner. The respondents have calculated the adequacy of security deposit in accordance with Clause 5(II) of the Tamil Nadu Electricity Supply Code, 2004. There is absolutely no material to discredit the calculation made by the respondents.

6. In view of the above discussion, this Court does not find any ground to interfere with the impugned notice issued by the 1st respondent and accordingly, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Superintending Engineer,
Vellore Ambedkar Electricity Distribution Circle,
Tamil Nadu General and Distribution,
Corporation Ltd ., (TANGEDCO)
Gandhi Nagar,
Vellore- 632006.

2.The Assistant Executive Engineer (O and M)
Tamil Nadu General and Distribution,
Corporation Ltd., (TANGEDCO),
Thakkolam, Arakkonam Taluk,
Vellore District Now Ranipet.

3 The Chairman and Managing Director,
Tamil Nadu General and Distribution,
Corporation Ltd., (TANGEDCO)
No.144, Anna salai Chennai- 2.

+1cc to Mr.S.Sadasharam, Advocate Sr.40960

+1cc to Mr.M.Varunkumar, Advocate Sr.40893

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srg 19/01/2021



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