

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 09.12.2020
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
W.P.NO.17686 of 2020

M/.s.P.M.P. Textiles Spinning
Mills Ltd rep by its Director Pagalpatty
Village Thangam Nagar Dharmapuri- 636 807 ...Petitioner

Vs

- 1 The Chairman
Tamil Nadu Electricity Generation and
Distribution Corporation (TANGEDCO) No.144
Anna Salai Chennai-600 002
- 2 The Superintending Engineer
Dharmapuri Electricity Distribution Circle
Dharmapuri- 636 805
- 3 The Assistant Engineer
(Operation and Maintenance) Tamil Nadu
Electricity Generation and Distribution
Corporation Dharmapuri ...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus directing the 2nd respondent to consider the letter dated 29.09.2020 with 17.11.2020 thereby grant permission to pay the sum of Rs.95,57,549/- in 10 equal monthly installments along with future monthly bills on effecting reconnection for HT SC No. 131.

For petitioner : Mr.S.Sivanandam

For Respondents: Mr.P.R.Dilipkumar

Standing counsel

ORDER

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 / Additional current consumption deposit amount 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 11.11.2020 to pay the Additional Security Deposit / Additional current consumption deposit of Rs.95,57,549/- over and above the existing deposit in one lump sum. 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 / Additional current consumption deposit in one lump sum. The petitioner has therefore made a representation on 29.09.2020 to the respondents to permit the petitioner to pay the Additional Security Deposit/ Additional current consumption 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.Sivanandam, learned counsel appearing on behalf of the petitioner and Mr.P.R.Dilipkumar, 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. It is brought to the notice of this court that the service connection has already been disconnected by the respondents and the petitioner is seeking for restoration of the connection.

7.Taking into consideration the facts and circumstances of the case and the pandemic situation that is prevailing, there shall be a direction to the petitioner to pay the Additional Security Deposit / Additional current consumption deposit claimed by the second respondent in 6 instalments in the following manner;

(a) the petitioner is permitted to pay the 1st and 2nd instalments this month and on such payment, the service connection shall be restored by the respondents.

(b) the petitioner shall pay the remaining four instalments on or before the 15th of every month starting from January 2021 and

(c) 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.

8.The writ petition is disposed of with the above direction.
No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Msr

To

1. The Chairman
Tamil Nadu Electricity Generation and
Distribution Corporation, (TANGEDCO) No.144
Anna Salai Chennai-600 002
- 2 The Superintending Engineer
Dharmapuri Electricity Distribution Circle
Dharmapuri- 636 805
- 3 The Assistant Engineer
(Operation and Maintenance) Tamil Nadu
Electricity Generation and Distribution
Corporation Dharmapuri

+1cc to Mr.S.Sivanandam, Advocate, S.R.No.40187
+1cc to Mr.M.Varunkumar, Advocate, S.R.No.40061

W.P.No.17686 of 2020

SR II (CO)

KKV/15/12/2020

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