



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.7751 of 2020

and

W.M.P. (MD)Nos.7231 to 7233 of 2020

WEB COPY

A.Karuppiah

... Petitioner

Vs

1.The Chairman Cum Managing Director  
Tamil Nadu Generation and Distribution Corporation  
(TANGEDCO)  
10<sup>th</sup> Floor, NPKRR Maaligai  
144, Anna Salai, Chennai 600 002

2.The Superintending Engineer  
Sivagangai Distribution Region  
TANGEDCO  
Sivagangai Collectorate Complex  
Sivagangai 630 562

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in க/பொ.மே.எண்.சிமிபவ/சிவ/துநிகஅ/கஅ/வரு/ வஓபி/உதவி/கோ/கட்டு அண். 227/2020 dated 08.07.2020 on the file of the 2<sup>nd</sup> respondent and quash the same and further directing the respondents to permit the petitioner to pay the electricity amount due for the period February to May 2020 for the service connections of his hotels in 6 bi-monthly installments.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.Aravind Pandian,  
Additional Advocate General,  
Assisted by M/s.M.Rajeswari

**O R D E R**

Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General assisted by the learned Standing Counsel for the respondents/TANGEDCO.

2.The petitioner is a consumer of electricity. He is running hotels at Sivagangai. The petitioner had been directed to pay monthly consumption charges. The petitioner wanted installment facilities. The said request has been negatived by the second respondent. Questioning the rejection of the request, the petitioner



moved this Court.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. I am unable to accept the contentions of the petitioner's counsel. As rightly pointed out by the learned Additional Advocate General, the issue is no longer *res integra*. The Hon'ble Division Bench of the Madras High Court as well as this Court have consistently taken a stand that it is not for the writ Court to give direction to the TANGEDCO to grant installment facilities. This is a matter that lies entirely within the province of the respondents.

4.The learned Additional Advocate General also submits that it would not be open to the Writ Court to give a positive direction directing the authority to give installments. In this regard, he would draw my attention to the decision of the Hon'ble First Bench reported in **(2005) 4 L.W. 585 (The Superintending Engineer, Tamil Nadu Electricity Board and Ors. V. Krishna Alloys)**. The said decision though rendered in a different context would squarely apply to the case on hand also. Therefore, I am of the view that the Writ Court will not have the jurisdiction to grant the relief sought for.

5. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

**Note :** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

+1 CC to M/s.G.PRABHURAJADURAI, Advocate ( SR-13173[F] dated 21/07/2020 )

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**KK/30.07.2020/ 2P- 2C**