

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19/1/2021

C O R A M

THE HONOURABLE Mr.JUSTICE B.PUGALENDHI

Writ Petition No.943 of 2021

a n d

M.P.No.1030 of 2021

Mallur Siddeswara Spinning Mills (P) Ltd
rep. By its Manager
Mr.K.Mohan
HTSC No.89
Rasipuram Taluk
Athanur Post
Namakkal 636 301.

...Petitioner

Vs

1. The Chairman
TANGEDCO
144 Anna Salai
Chennai 600 002.
2. The Superintending Engineer
Namakkal Electricity Distribution Circle
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
Namakkal.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the second respondent to permit the petitioner to pay the arrears of Rs.1,42,49,870/- as per Regulation 22 (4) & 6 (ii) of the Tamil Nadu Electricity Supply Code, 2004 along with restoration charges and other charges and restore supply on payment of the first instalment.

For petitioner
For respondents

... Mr.R.S.Pandiyaraj
... Mr.Damotharan
Standing Counsel for TANGEDCO

O R D E R

Instant Writ Petition has been filed to direct the second respondent to permit the petitioner, to pay the arrears of Rs.1,42,49,870/-, as per Regulation 22 (4) & 6 (ii) of the Tamil Nadu Electricity Supply Code, 2004 along with restoration charges and other charges and restore supply on payment of the first instalment.

2. Petitioner is a Private Limited Company registered under the Companies Act, 1956. They are running an industry and having HT service connection from the second respondent. They are manufacturing yarn related products and giving employment opportunities to 300 rural people. Due to the present COVID 19 pandemic situation, entire activities are affected and therefore, they did not pay the current consumption charges of Rs.1,42,49,870/-, from February 2020 to September 2020. For non-payment of the current consumption charges, second respondent has disconnected the service connection of the petitioner, on 14/11/2020. The petitioner made a representation, on 16/11/2020, by referring to Clause 4 of 22 and 6 (ii) of the Tamil Nadu Electricity Supply Code, 2004, which Clauses empower the Licensee/Board to allow instalment payments and to avail reconnection on receipt of 40% of the total arrears outstanding. However, the second respondent did not consider the same and therefore, the petitioner has come forward with the present writ petition, praying for the relief as stated supra.

3. Placing reliance on Clause 4 of 22 and 6 (ii) of the Tamil Nadu Electricity Supply Code, 2004, Mr.S.P.Parthasarathy, learned counsel appearing for the petitioner, submitted that the relevant provisions enable the respondent Board to collect Current Consumption Charges, on instalment basis. About 300 workers and their families are depending upon the industry for their livelihood and if the respondents permit the petitioner to pay the above said amount in twelve equal monthly instalments and to restore supply on payment of the first instalment, the petitioner would be able to generate funds by running the industry and provide employment to about 300 workers.

4. Mr.Damotharan, learned Standing Counsel for TANGEDCO, takes notice for the respondents and also accept that the abovesaid provision enables to collect the arrears of consumption charges on instalments, provided the case is a deserving one.

5. Heard the submissions made on either side and perused the materials available on record.

6. Clause 22 (4) of the Tamil Nadu Electricity Supply Code, 2004, reads as follows:-

"In the case of service connections, which have been disconnected, the licensee shall have the power to allow instalment payments of all arrears in deserving cases."

7. Clause 6 (ii) of the Tamil Nadu Electricity Supply Code, 2004, reads thus:-

In accordance with sub-regulation (4), the authorised Officer of the licensee may permit such consumer to pay the outstanding in instalments and to avail reconnection on receipt of 40% of the total arrears outstanding after closing of account due to the licensee, which include:

- a. Arrears on the date of disconnection
- b. Tariff minimum and meter rent for the period of six months from the date of disconnection (including the notice period)
- c. The applicable BPSC/interest upto the date of payment.
- d. The balance 60% of the amount shall be collected in ten monthly instalments.
- e. In addition to the above, the full amount of Security Deposit adjusted while closing of account shall be collected in one lumpsum before effecting new service connection."

8. As per Clause 4 of 22 and 6 (ii) of the Tamil Nadu Electricity Supply Code, 2004, the respondent Board is empowered to collect the arrears amount on instalment and the authorised Officer is having power to permit the deserving consumer to avail reconnection on receipt of 40% of the total arrears outstanding after closing of account due to the licensee.

9. Considering the fact that the petitioner is having a security deposit of Rs.1,33,35,841/- with the second respondent and further he is also providing employment to 300 rural people, this Court is inclined to allow the writ petition, with a direction to the respondents to consider the case of the petitioner sympathetically, by considering his representation, dated 16/11/2020, and pass appropriate orders, on merits and in accordance with law, after taking into consideration Clause 4 of 22 and 6 (ii) of the Tamil Nadu Electricity Supply Code,

2004. On payment of 40% of the total arrears outstanding, the respondent Board can restore the service connection and the balance 60% of the amount shall be collected in ten monthly instalments. The petitioner shall file an affidavit in Form 5 of the Appendix to the said Code, for facility of payment in instalments.

No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Chairman,
TANGEDCO,
144, Annasalai,
Chennai - 600 002.
2. The Superintending Engineer,
Namakkal Electricity Distribution Circle,
Tamilnadu Generation and Distribution
Corporation Limited(TANGEDCO),
Namakkal.

+lcc to Mr.R.S.Pandiyaraj, Advocate, SR2204

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CO(JP)
BDL/21/01/2021

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