

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.03.2021

Coram

The HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No. 1860 of 2021
and W.M.P.No. 2098 of 2021

Sri Pavithra Cotton Mill P.Ltd.,
Rep. by its Managing Director,
A.Karunakaran,
HSTC No.039094350406
82, Rayar Thottam,
Kannampalayam Post, Sulur Via,
Coimbatore - 641 402. ... Petitioner

vs.

- 1.The Superintendent Engineer
Coimbatore Electricity Distribution Circle/Metro
Tamilnadu Generation and Distribution
Corporation Limited (TANGEDCO)
TNEB Complex, Tatabad, Post Box No. 2959,
Coimbatore - 641 012.
- 2.The Chairman cum Managing Director,
Tamilnadu Generation and Distribution
Corporation Limited (TANGEDCO),
TNEB Complex, Tatabad, Post Box No. 2959,
Coimbatore - 641 012. ... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records of the first respondent in Lr.No.SE/CEDC/M/CBE/DFC/MAO/ROV/MTSC,406/ID No.352/2021 dated 02.01.2021 raised for the petitioner mill Service Connection HTSC No.039094350406 at 82, Rayar Thottam, Kannanpalayam Post, Sulur Via, Coimbatore and quash the same and direct the first respondent to waive the above impugned demand for the present atleast till April 2021.

For Petitioner : Mr.M.Kamalanathan
For Respondents : Mr.N.Damodharan,
Standing Counsel

ORDER

Challenging the demand made by the first respondent in Lr.No.SE/CEDC/M/CBE/DFC/MAO/REV/FHTSC 406/D No.352/2021 dated 02.01.2021 in respect of the petitioner mill Service Connection in HTSC No.039094350406 at 82, Rayar Thottam, Kannanpalayam Post, Sulur Via, Coimbatore and for a consequential direction to the first respondent to waive the above impugned demand for the present atleast till April 2021, the present writ petition has been filed.

2.The petitioner is a manufacturer in yarn having HT service connection in HTSC No.039094350406 with connected load of 800 KVA. At the time of commencing the operation of the Mill, the petitioner deposited the initial current consumption deposit. While so, the respondent Board demanded a sum of Rs.53,21,388/- as additional current consumption deposit as per Regulation 5 (5)(i) of the Tamil Nadu Electricity Supply Code. In view of the pandemic situation, the petitioner could not pay the amount demanded and therefore, he approached this Court in W.P.No.12887 of 2020 and this Court, considering the pandemic situation, shown some indulgence to the petitioner, by permitting the petitioner to pay the additional security deposit/additional current consumption deposit claimed by the respondents in six equal monthly instalments, fixing the first instalment payable on or before 21.09.2020. As per the orders of this Court, the petitioner has also paid the first instalment of ACCD amount of Rs.8,86,883/- on 29.12.2020 but failed to pay the remaining instalments, as agreed before this court. Therefore, the respondent Board issued the impugned notice calling upon the petitioner to make the payment on or before 15.01.2021, failing which, the service connection will be disconnected without further intimation. Aggrieved over the same, the petitioner is before this Court with this writ petition.

3.Learned counsel for the petitioner submitted that during the pandemic period, there is no production at all and naturally, the current consumption has also got decreased and therefore, there is no necessity to pay the deposit amount as claimed in the previous year. Therefore, this Court has directed the respondent Board to calculate the present current consumption charges of the petitioner and thereafter assess the ACCD amount, which has to be paid by the petitioner.

4.Mr.Damodharan, learned counsel for the respondent Board submitted that the review of ACCD amount for the year 2020-2021 can be made only in the month of April or May as per Regulation 5 (5)(i) of the Tamil Nadu Electricity Supply Code and the current consumption of the petitioner mill upto the month of

January alone has been recorded. It can be reviewed only in the month of April 2021. Regulation 5 (5)(i) of the Tamil Nadu Electricity Supply Code states that the adequacy of the security deposit may be reviewed and refixed once in a year in case of HT consumers and such review can be made in the month of April or May.

5.As rightly submitted by the learned counsel for the petitioner, during the pandemic period, there was no production at all and the current consumption also got decreased and therefore, there is no necessity or requirement for the ACCD amount, as demanded by the respondent Board, based on the previous year consumption. Therefore, this writ petition stands disposed of with a direction to the respondents to calculate this year consumption in the month of April, 2021 and review the ACCD amount in accordance with the consumption for the year 2020-2021. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Superintendent Engineer
Coimbatore Electricity Distribution Circle/Metro
Tamilnadu Generation and Distribution
Corporation Limited (TANGEDGO)
TNEB Complex, Tatabad, Post Box No. 2959,
Coimbatore - 641 012.

2.The Chairman cum Managing Director,
Tamilnadu Generation and Distribution
Corporation Limited (TANGEDGO),
TNEB Complex, Tatabad, Post Box No. 2959,
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+1cc to Mr.M.Kamalanathan, Advocate SR.NO..17054

AKM/08.04.21/3P-4C/

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