

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Twenty Seventh day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice R.MAHADEVAN

WMP.Nos.10183 and 10184 of 2021

in WP.No.17326 of 2020

SAM TURBO INDUSTRY LTD., [PETITIONER IN BOTH THE PETITIONS]
HTSC NO.049094360068,
380/1,PUDUPEERKADAVU,
VILLAGE BHAVANISAGAR,
SATHAYMANGALAM TALUK,
ERODE DISTRICT.

Vs

1 THE CHAIRMAN, [RESPONDENTS IN BOTH THE PETITIONS]
TAMILNADU GENERATION AND DISTRIBUTION
CORPORATION LIMITED 144,
ANNA SALAI, CHENNAI 600 002

2 THE SUPERINTENDING ENGINEER,
GOPICHETTIPALAYAM ELECTRICITY DISTRIBUTION
CIRCLE, TANGEDCO, GOPICHETTIPALAYAM.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Modify the Order dated 30.11.2020 passed in WMP Nos. 21440 of 2020 in WP.No.17326 of 2020 to the extent of extending time to make payment to effect re-connection and permit it on the condition that the Petitioner makes payment of Rs.50,00,000/- (Rupees fifty lakhs only) for purposes of getting re-connection and makes payment of the balance dues in six equal monthly instalments together with the CC Bills of the Petitioner service connection. (in WMP.No.10183/2021)and;

(ii) To Modify the Order dated 30.11.2020 passed in WMP Nos. 21446 of 2020 in WP No. 17326 of 2020 to the extent of extending time to make payment to effect re-connection and permit it on the condition that the Petitioner makes payment of Rs.50,00,000/- (Rupees fifty lakhs only) for purposes of getting re-connection and makes

payment of the balance dues in six equal monthly instalments together with the CC Bills of the Petitioner service connection. (in WMP.No.10184/2021 in WP.17326/2021 respectively.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.R.PARTHASARATHY, Advocate for the petitioner in both the petitions the court made the following order:-

This Court by order dated 30.11.2020 in WMP.Nos.21440 & 21446 of 2020 in WP.No.17326 of 2020, granted the following interim directions:

"(a) The petitioner is directed to deposit a sum of Rs.1 crore (rupees one crore only) before the second respondent and immediately on such deposit, the second respondent is directed to restore the Electricity Connection.

(b) The petitioner is directed to deposit a further sum of Rs.50 lakhs (Rupees fifty lakhs only) on or before 04.01.2021.

(c) The second respondent is directed to re-work the amount payable by the petitioner in accordance with the directions issued by this Court W.P.Nos.7678 etc., batch of 2020 dated 14.08.2020 and issue the revised bill to the petitioner. This process shall be completed by the second respondent within a period of four weeks from the date of receipt of copy of this order.

(d) The petitioner on receipt of the revised bill, shall pay the balance amount, if any, to the second respondent on or before 04.02.2021.

(e) The above payments shall be made in addition to the bills raised towards the current consumption charges and ;

(f) if the petitioner fails to comply with any one of the direction issued by this Court, it is left open to the second respondent to take action in accordance with law without any further reference to this Court."

Since the aforesaid directions were not complied with within the stipulated period, the petitioner has come up with the present miscellaneous petitions seeking modification of the order dated 30.11.2020.

2. The learned counsel for the petitioner submitted that expressing inability to recover the outstanding dues from their principal customers, due to Covid-19, the petitioner is unable to make payment for re-connection as directed by this Court. Therefore, the learned counsel prayed to modify the earlier order passed by this Court by permitting the petitioner to make payment of Rs.50,00,000/-, for purpose of getting re-connection and balance dues in six equal monthly installments, besides paying current consumption charges of

the service connection.

3. There is no serious objection on the side of the respondents for modifying the order dated 30.11.2020.

4. Upon considering the inability expressed by the petitioner and as agreed by both the parties, the order of this Court dated 30.11.2020 is modified in the following terms:

(i) The petitioner shall deposit a sum of Rs.50,00,000/- to the second respondent and on such deposit, the second respondent shall restore the Electricity Service Connection forthwith.

(ii) Thereafter, the petitioner shall deposit another sum of Rs.50,00,000/- within a period of 30 days from the date of restoration of Service Connection.

(iii) Upon receipt of the calculation memo from the respondents indicating the total outstanding payable by the petitioner as directed earlier by this Court in clause 3 (c) of the order dated 30.11.2020, the petitioner shall pay the same in six equal installments before the 5th day of every English calendar month commencing from the month of issuance of the revised bill.

(iv) Except the above modification, the order dated 30.11.2020 remains unaltered.

5. Accordingly, these Miscellaneous petitions are ordered.

-sd/-

27/04/2021

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Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE CHAIRMAN
TAMILNADU GENERATION AND DISTRIBUTION
CORPORATION LIMITED 144,
ANNA SALAI, CHENNAI 600 002

2 THE SUPERINTENDING ENGINEER
GOPICHETTIPALAYAM ELECTRICITY DISTRIBUTION
CIRCLE, TANGEDCO, GOPICHETTIPALAYAM.

Order

in
WMP.Nos.10183 and 10184 of 2021
in WP.No.17326 of 2020
Date :27/04/2021

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