

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No. 10858 of 2021

M/s. V.R.Foundries - Unit II HTSC No.682

S.F. No. 478/1&2, Ponnandampalayam

Kaniyur Village, Sulur Taluk

Coimbatore - 641 004

Represented by its Authorized Signatory

Mr. K.Senthilkumar ...Petitioner

Vs.

1. The Chairman

Tamil Nadu Generation & Distribution
Corporation Limited

144, Anna Salai

Chennai - 600 002.

2. The Superintending Engineer

TANGEDCO

Coimbatore South Electricity

Distribution Circle

Coimbatore.

.... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the First and Second Respondents to permit the Petitioner to pay the Additional Security Deposit of Rs.2,55,56,431/- alone in 06 equal monthly installments along with the regular current consumption charges.

For Petitioner : Mr. R.S.Pandiyaraj

For Respondents : Mr. N.Damodharan (For R1 & R2)
Standing Counsel

O R D E R

Mr.N.Damodharan, learned Standing Counsel, takes notice for the respondents. By consent of both the parties, this writ petition is taken for final disposal at the time of admission itself.

2.The case projected in the writ petition is as follows:

2.1 The Petitioner is a company registered under the Companies Act, 1956 and they are having High Tension service connection bearing No.682 provided by the Second Respondent. The Petitioner has already paid a sum of Rs.2,03,21,769/- towards security deposit.

2.2 As per Regulation 5(5)(ii)(a) of the Tamil Nadu Electricity Supply Code, 2004, the Security Deposit (CCD) should be two times of the average of the electricity charges for the preceding twelve months prior to April for the monthly billed consumers and the petitioner is a monthly billed consumer. Such being the provisions of law, the Second Respondent, vide letter dated 22.04.2021, directed the Petitioner to pay additional security deposit of Rs.2,55,56,431/- over and above the existing deposit of Rs.2,03,21,769/- in one lump sum, failing which the Petitioner's electricity supply would be disconnected.

2.3 According to the petitioner, they are already struggling for survival due to continuous recession in the steel industry, severe power cut, production loss, labour problems etc. and hence, they are unable to pay the said amount in one lump sum. Stating so, they have approached this Court with this writ petition seeking a mandamus to the respondents to permit the Petitioner to pay the additional security deposit of Rs.2,55,56,431/- in 6 equal monthly instalments along with the regular current consumption charges.

3.Heard both sides and perused the materials placed before this Court.

4.Having regard to the fact that considerable amount has already been available with the respondents by way of security deposit and taking note of the financial constraints faced by the Petitioner Company and also considering the present pandemic situation due to Covid-19, this Court is inclined to grant the relief sought in this writ petition.

5.Accordingly, this writ petition stands disposed of, permitting the petitioner to pay the additional security deposit of Rs.2,55,56,431/- to the second respondent in six equal instalments along with the regular current consumption charges, The first instalment shall be paid on or before 31.05.2021 and the rest of the instalments shall be paid on or before 5th of

every succeeding English Calender month. In the event of failure on the part of the petitioner in payment of instalments as directed by this Court, the Respondents are at liberty to proceed against the Petitioner in the manner known to law. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

Maya

To

1. The Chairman
Tamil Nadu Generation & Distribution
Corporation Limited
144, Anna Salai
Chennai - 600 002.

2. The Superintending Engineer
TANGEDCO
Coimbatore South Electricity
Distribution Circle
Coimbatore.

+1cc to Mr. R.S.Pandiyaraj, Advocate SR.No.26621

W.P. No. 10858 of 2021

RK(CO)
GMY(07/07/2021)

सत्यमेव जयते

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