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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.14691 of 2021

Kandhar Cotspin Pvt Ltd, HTSC No.645,
No.4/46, Pethanaickenpalayam, Pongalur Post,
P.Puliyampatti (Via), Avinashi Taluk,
Tiruppur,Petitioner
rep. by its Managing Director A.Shanmugasundaram

Vs

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

2.The Superintending Engineer,
Tiruppur Electricity Distribution Circle,
Tamil Nadu Generation and Distribution,
Tiruppur.Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first and the second respondents to permit the petitioner to pay the Additional Security Deposit of Rs.34,05,251/- alone in 6 equal monthly installments alongwith the regular current consumption charges.

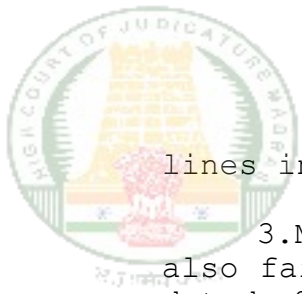
For Petitioner : Mr.S.P.Parthasarathy

For Respondents : Mr.Adbul Kalam

ORDER

This writ petition has been filed seeking a direction to the first and the second respondents to permit the petitioner to pay the Additional Security Deposit of Rs.34,05,251/- in 6 equal monthly installments along with the regular current consumption charges.

2.Mr.S.P.Parthasarathy, learned counsel for the petitioner relying upon the order passed by this Court in W.P.No.13738 of 2021 dated 06.07.2021 seeks to pass similar order on the same



lines in the present Writ Petition also.

3.Mr.Adbul Kalam, learned counsel for the respondents would also fairly accede that this Court has passed the earlier order dated 06.07.2021 in W.P.No.13738 of 2021 in respect of the similar subject matter.

4.In the light of the aforesaid submissions of the learned counsel on either side, this Court is inclined to pass an order on the same lines. The order dated 06.07.2021 passed by this Court in W.P.No.13738 of 2021 is extracted here under:

"This writ petition has been filed seeking a direction to the first and the second respondents to permit the petitioner to pay the Additional Security Deposit of Rs.63,89,486/- in 6 equal monthly installments along with the regular current consumption charges.

2.Mr.S.P.Parthasarathy, learned counsel for the petitioner relying upon the order passed by this Court in W.P.No.11979 of 2021 dated 19.05.2021 seeks to pass similar order on the same lines in the present Writ Petition also.

3.Mr.D.Krishna Pradeep, learned Standing counsel for the respondents would also fairly accede that this Court has passed the earlier order dated 19.05.2021 in WP.No.11979 of 2021 in respect of the similar subject matter.

4.In the light of the aforesaid submissions of the learned counsel on either side, this Court is inclined to pass an order on the same lines. The order dated 19.05.2021 passed by this Court in WP.No.11979 of 2021 is extracted here under:

"The petitioner seeks permission to pay the demanded Additional Security Deposit in six equal monthly installments along with the regular current consumption charges.

2.The petitioner states that a Security Deposit has already been made and is available with the respondents. However, the respondents have demanded an Additional Security Deposit, which the petitioner finds difficult to pay in one lump sum as demanded by the respondents. Learned counsel points out that in similar cases, several orders have been passed by this Court. He also invites the attention of this Court to one such order.



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3. Learned Standing Counsel for TANGEDCO accepts notice on behalf of the respondents and is agreeable to the payment of the Additional Security Deposit in six equal monthly installments.

4. Accordingly, the Writ Petition is disposed of by permitting the petitioner to pay the Additional Security Deposit demanded by the respondents in six equal monthly installments. The first installment shall be paid on or before 15.06.2021 and the subsequent installments on or before the 15th of each of the succeeding five months. In the event of default, the petitioner shall, ipso facto, lose the benefit of this Order and the respondent shall be at liberty to initiate appropriate legal proceedings in respect thereof in accordance with law.

5. Writ Petition No.11979 of 2021 is disposed of on the above terms without any order as to costs."

5. The above said order will hold good for the present Writ Petition also. Accordingly, the Writ Petition is disposed of by permitting the petitioner to pay the Additional Security Deposit demanded by the respondents in six equal monthly installments. The first installment shall be paid on or before 15.07.2021 and for the remaining 5 months, the installments shall be paid on or before the 15th of every succeeding month. Last installment shall be paid by the petitioner on or before 15.12.2021. In the event of default of any of the instalments, the petitioner shall, ipso facto, lose the benefit of this Order and the respondent shall be at liberty to initiate appropriate legal proceedings in respect thereof in accordance with law. No costs."

5. In view of the above, the Writ Petition is disposed of by permitting the petitioner to pay the Additional Security Deposit demanded by the respondents in six equal monthly installments. The first installment shall be paid on or before 01.08.2021 and for the remaining 5 months, the installments shall be paid on or before the 15th of every succeeding month. Last installment shall be paid by the petitioner on or before 01.01.2022. In the event of default of any of the instalments, the petitioner shall, ipso



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facto, lose the benefit of this Order and the respondent shall be at liberty to initiate appropriate legal proceedings in respect thereof in accordance with law. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Superintending Engineer,
Tiruppur Electricity Distribution Circle,
Tamil Nadu Generation and Distribution,
Tiruppur.

+1cc to Mr.R.S.Pandiyaraj, Advocate (SR No.34508)

W.P.No.14691 of 2021

JPL (CO)
PR (05/08/2021)