



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 22.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.15058 of 2021

and

WP.No.15059 of 2021

M/s Sripathi Paper and Boards

HTSC No.143, S.F.No.297/308, Rajan Nagar,
Pudhuvadavalli Village, Sathyamangalam 638401,
rep. by its General Manager M.Raveendranathan

... Petitioner in W.P.No.15058 of 2021

Harimadhavaa Alloys (P) Ltd.,

HTSC No.145, S.F.No.77/5,
Nambiyur Road, Kuttagam, Avinashi Taluk,
Tiruppur

rep. by its Director N.Loganagan

... Petitioner in W.P.No.15059 of 2021

Vs.

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

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

...Respondents in both writ petitions

Prayer in W.P.No.15058 of 2021: 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.32,55,087/- alone, in six equal monthly installments along with the regular current consumption charges.

Prayer in W.P.No.15059 of 2021: 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.1,25,81,254/- alone, in six equal monthly installments along with the regular current consumption charges.



For Petitioner : Mr.S.P.Parthasarathy

For Respondents : Mr.Abdul Kalam (TNEB)

COMMON ORDER

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Both the writ petitions have been filed seeking a direction to the first and the second respondent to permit the petitioners to pay the Additional Security Deposit in six equal monthly installments along with the regular current consumption charges.

2. The learned counsel for the petitioners 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. The learned Standing counsel for the respondents would also fairly accede that this Court has passed the earlier order dated 06.07.2021 in WP.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 WP.No.13738 of 2021 is extracted here under:

" This writ petition has been filed seeking a direction to the first and 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. Mrs.S.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 W.P.No.11979 of 2021 in respect of the similar subject matter.

4. In the light of the aforesaid submissions of the learned counsels 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 W.P.No.11979 of 2021 is extracted here under.

"The petitioner seeks permission to



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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.

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



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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 in W.P.No.15058 and 15059 of 2021 are disposed of by permitting the respective 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 petitioners shall, ipso facto, lose the benefit of this order and the respondents shall be at liberty to initiate appropriate legal proceedings in respect of thereof in accordance with law. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mst

To

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

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

+2cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.34844
+1cc to Mr.M.A.Kalam, standing Counsel, S.R.No.34908

W.P.Nos.15058 and 15059 of 2021

NMI (CO)
SB(28/07/2021)