



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 20.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.14940 of 2021 and
WMP No.15821 of 2021

ARS Steels and Alloy International P Limited,
rep. by its Deputy Director- Finance,
39-52 EPIPB 1/S SIPCOT INDL Complex,
Gummidipoondi.

... Petitioner

Vs.

1. Tamil Nadu Generation and Distribution
Corporation Limited,
Rep. by its Chairman, NPKRR Maaligai,
144, Anna Salai, Chennai 600 002.

2. The Superintending Engineer,
CEDC/North, 144, Anna Salai,
Chennai 600 002.

... 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.2,41,96,208/- alone, over and above the existing deposit of Rs.2,97,04,072/- as demanded in the second respondent's letter dated 21.06.2021 bearing Lr.No.SE/Chennai (North) EDC/DFC/AAO/AS/HT SC No.019094041902/D.No. /20, dated 21.06.2021 in ten (10) equal monthly installments along with the regular current consumption charges.

For Petitioner : Mr.Rahul Balaji

For Respondents : Mr.L.Jaivenkatesh (TNEB)

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.2,41,96,208/- alone, over and above the existing deposit of Rs.2,97,04,072/- as demanded in the second respondent's letter dated 21.06.2021 bearing



Lr.No.SE/Chennai (North) EDC/DFC/AAO/AS/HT SC
No.019094041902/D.No. /20, dated 21.06.2021 in ten (10) equal
monthly installments along with the regular current consumption
charges.

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2. The 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.L.Jaivenkatesh, 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 pay the demanded Additional Security Deposit in six equal monthly installments along with the regular current consumption



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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 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



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

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mst

To

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

2. The Superintending Engineer,
CEDC/North, 144, Anna Salai,
Chennai 600 002.

+1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No.34688

W.P.Nos.14940 of 2021 and
WMP No.15821 of 2021

KJ(CO)
HS(22/07/2021)