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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.21481 of 2021

M/s.Smitha Enterprises
Rep.by its Proprietor Mrs.K.Mamtha
1st Floor, No.23/2A, Sarjapura Road
Sompura, Karnataka-562 125.

... Petitioner

Vs.

1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited,[TANGEDCO]
No.144, Anna Salai, Chennai 2.

2.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited [TANGEDCO]
Krishnagiri Electricity Distribution Circle
Krishnagiri-635 002.

...Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the 2nd respondent to consider the representation of the petitioner dated 07.09.2021 and thereby permitting the petitioner to pay the Additional Current Consumption Deposit on equal installments within a period of two years to enable her to come up from the crisis caused due to lockdown.

For Petitioner : Mr. G.M.Anantha Kumar

For Respondents : Mr. L.Jai Venkatesh, Standing Counsel

O R D E R

This writ petition has been filed for a direction to the respondents to consider the request made by the petitioner,



wherein, the petitioner has requested for payment of Additional Security Deposit in 10 equal monthly instalments.

2.The petitioner is having a HT service connection. As per the Tamil Nadu Electricity Supply Code, 2004, the Security Deposit will be revised every year under Regulation 5(5). Accordingly, the second respondent has revised the Security Deposit and has informed the petitioner through his letter dated 22.06.2021 to pay the Additional Security Deposit of Rs.19,56,039/- over and above the existing deposit in one lumpsum. If this amount is not paid by the petitioner, the electricity supply will stand disconnected.

3.The petitioner had stated that due to the current situation and severe financial constraints, the petitioner is not in a position to pay the entire Additional Security Deposit in one lumpsum. The petitioner has therefore made a representation on 07.09.2021 to the respondents to permit the petitioner to pay the Additional Security Deposit in 24 equal monthly instalments. Since it was not acted upon, the present writ petition has been filed before this Court seeking for appropriate direction.

4. Heard Mr.G.M.Ananthakumar, learned counsel appearing on behalf of the petitioner and Mr.L.Jai Venkatesh, learned Standing Counsel appearing on behalf of the respondents.

5. It is seen from the records that similar such request has been entertained by this Court and this Court considering the facts and circumstances of the case, has permitted the consumer to pay the Additional Security Deposit in 10 instalments. Useful reference can be made to the order of this Court in W.P.No.10947 of 2017 and W.P.No.11686 of 2018.

6.Taking into consideration the facts and circumstances of the case and the present situation that is prevailing, there shall be a direction to the petitioner to pay the Additional Security Deposit claimed by the second respondent in 6 equal monthly instalments commencing from November 2021. If in case, the petitioner defaults in making the payment, it is always open to the respondents to initiate appropriate action in accordance with law.



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7.This writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

KST

To

1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited,[TANGEDCO]
No.144, Anna Salai,
Chennai 2.

2.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited [TANGEDCO]
Krishnagiri Electricity Distribution Circle
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W.P.No.21481 of 2021

PA(CO)
SB(25/10/2021)