

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 11.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE B. PUGALENDHI

W.P.No.19164 of 2020

N.S.Rathinam & Sons Pvt. Ltd.,
Integrated Cold Chain Infrastructure Facility,
rep. by its Managing Director R.Chandrasekaran
having registered office at No.291, M.T.H.Road,
Avadi, Chennai 600 054. ... Petitioner

Vs.

1. The Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO),
rep. by its Chairman and Managing Director,
10th floor, No.144, Anna Salai,
Chennai 600 002.
2. The Chief Financial Controller - Revenue,
TANGEDCO, 7th floor, 144, Anna Salai,
Chennai 600 002.
3. The Superintending Engineer, TANGEDCO,
Dindigul Electricity Distribution Circle,
Dindigul. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ in the nature Writ of Mandamus or any other appropriate writ, order or direction, directing the respondents 2 and 3 to restore the connection and give installment for paying the Electricity bills from March 2020 to November 2020 with three month installment for the petitioner company's High Tension Electricity service Connection HT No.059094500354 by following the Tamil Nadu electricity Supply Code, 2004 by considering the petitioner's representation dated 11.12.2020.

For Petitioner	: Mr.D.Lakshmipathy
For Respondents	: Mrs.S.K.Rameshwar, Standing counsel for the Electricity Board.

ORDER

This petition is filed for Writ of Mandamus directing the third respondent to restore the service connection by permitting the petitioner to make payment for the electricity consumption charges from March 2020 to November 2020 in three monthly installments.

2. Mr.S.K.Rameshwar, learned counsel appearing for the respondents strongly opposed that the Provisions of the Tamil Nadu Electricity Board does not permit the Board to receive the electricity consumption charges on installment basis from the consumers and the petitioner, who had been granted a relief by an earlier order of this court dated 30.11.2020 in W.P.No.15810 of 2020, has not availed the benefits of the order and therefore, this writ petition is not maintainable.

3. The learned counsel appearing for the petitioner submits that in view of the present pandemic situation, the business activities of the petitioner company is bad and hence, the petitioner was not able to pay the huge amount of Rs.97,52,538/- for the total electricity consumption charges and hence, he sought time for making the payments by installments, which has not been granted by the respondents.

4. He further submitted that this court by an order dated 30.11.2020 in W.P.No.15810 of 2020 has directed the writ petitioner to deposit a sum of Rs.50,00,000/- (Rupees fifty lakhs) before the third respondent on or before 25.11.2020. It is also submitted by him that even though this court has showed some indulgence on the petitioner, he could not deposit the amount as ordered by this court and thereby he could not avail the benefits of the earlier order and therefore, the present writ petition has been filed to provide one more opportunity to the petitioner to pay the electricity consumption charges.

5. The learned counsel appearing for the petitioner has filed the xerox copy of six Demand Drafts totally for a sum of Rs.50,00,000/- (fifty lakhs) and also filed an undertaking affidavit to ensure that the petitioner will pay the balance amount of Rs.47,52,538/- on or before 31.01.2021 without fail.

6. The learned counsel appearing for the respondents strongly opposed to allow the writ petition.

7. Considering present pandemic situation and also the production of the Demand Drafts for a sum of Rs.50,00,000/- and also taking into account the undertaking affidavit filed by the petitioner that the petitioner's company will pay a sum of Rs.50,00,000/- immediately and undertake to pay the balance

amount of Rs.47,52,538/- on or before 31.01.2021, without any default, this court is inclined to allow the writ petition.

8. Accordingly,

(i) The petitioner is directed to deposit the Demand Drafts for a sum of Rs.50,00,000/- (Rupees fifty lakhs) before the third respondent forthwith and as soon as the petitioner produced the Demand Drafts for a sum of Rs.50,00,000/- (Rupees fifty lakhs), the third respondent shall accept the same and restore the service connection.

(ii) Further the petitioner is directed to pay the balance amount of Rs.47,52,538/- on or before 31.01.2021, without any default.

10. With the above direction, this writ petition is allowed. No costs. Mr.Rameshwar, the learned counsel appearing for the respondents is directed to inform this order to the respondents Board.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO), rep. by its Chairman and Managing Director, 10th floor, No.144, Anna Salai, Chennai 600 002.
2. The Chief Financial Controller - Revenue, TANGEDCO, 7th floor, 144, Anna Salai, Chennai 600 002.
3. The Superintending Engineer, TANGEDCO, Dindigul Electricity Distribution Circle, Dindigul.

W.P.No.19164 of 2020

CO(BS)
BDL/20/01/2021