



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27499 of 2021

M/s.Sonal Irons Industry (Pvt) Ltd.,
O.267/268, Kothajogur Village,
Komearanapalli Panchayat,
Denakanikottai Taluk, Hosur,
rep. by its Authorized Signatory,
V.Muniraj

... Petitioner

vs.

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai 600 002.
2. The Superintending Engineer,
TANGEDCO,
Krishnagiri Electricity Distribution Circle,
Krishnagiri.

... Respondents

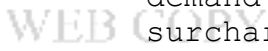
Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to permit the Petitioner to pay the past period arrears of additional surcharge of Rs.27,14,534/- in ten equal monthly instalments along with their regular CC charges.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Mr.L.Jai Venkatesh

O R D E R

Petitioner has come up with this Writ Petition seeking a direction to the Respondents to permit them to pay the past



2. According to the Petitioner, they were issued a demand letter dated 25.11.2021, informing them to pay additional surcharge for the past period from April 2021 to September 2021 along with BPSC charges calculated at 1.5% p.m. (i.e. 18% per year) in one lumpsum within a period of 15 days from the date of receipt of the impugned notice, failing which, their HT service connection will be disconnected. Due to COVID-19 pandemic, the Petitioner could not fulfil the demand of the Respondents. The grievance of the Petitioner is that, the impugned notice directing payment of charges as demanded by the Respondents in one lumpsum would cause serious prejudice to them, as they are already facing financial crisis. Hence, having no other alternative, the Petitioner has come up with the present Writ Petition.

4. Learned Standing Counsel appearing for the Respondents objected to the submissions of the learned counsel for the Petitioner and stated that, the judgment dated 24.04.2008 relied on by the learned counsel for the Petitioner in W.A.Nos.3075 to 3078 will not be applicable to the facts of this case and hence, the relief sought for by the Petitioner cannot be granted and that, the Writ Petition is liable to be dismissed.

5. Though the Division Bench of this Court has ordered payment of BPSC charges in the said Writ Appeals, it has reduced the interest component. As the present set of facts are not identical to the case before the Division Bench, modification in interest would not arise. Hence, this Court, in the interest of justice, feels it appropriate that, the amount quantified by the Respondents may be directed to be paid in ten equal instalments.

6. Accordingly, this Court directs the Petitioner to pay a sum of Rs.27,14,534/- quantified by the Respondents in the demand notice dated 25.11.2021, in ten equal instalments, of which the first instalment shall be paid on 05.01.2022 and the subsequent instalments shall be paid on the 5th of every subsequent month.



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The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai 600 002.
2. The Superintending Engineer,
TANGEDCO,
Krishnagiri Electricity Distribution Circle,
Krishnagiri.

COPY TO :-

3. M/s.Sonal Irons Industry (Pvt) Ltd.,
O.267/268, Kothajogur Village,
Komearanapalli Panchayat,
Denakanikottai Taluk, Hosur,

+1cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.68641
+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.69651

W.P.No.27499 of 2021

SSN(CO)
CT 29/12/2021