



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P.(MD)No.2580 of 2021 and

W.M.P.(MD)No.2124 of 2021

M/s.Sri Sastha Spinning Mills P. Ltd.,
Rep. by its Authorised signatory K.Danushkodi,
HTSC No.059094500249,
Papampatty, Palani Taluk,
Dindigul District - 624 621.

... Petitioner

Vs.

1. The Chairman,
TANGEDCO,
144, Anna Salai, Chennai - 600 002.

2. The Superintending Engineer,
Dindigul Elec. Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Limited(TANGEDCO),
Dindigul.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to permit the petitioner to pay the arrears of Rs.64,35,463/- as per Regulation 22(4) and 6(ii) of the Tamil Nadu Electricity Supply Code, 2004 along with restoration charges and other charges and restore supply on payment of the first installment.

For Petitioner	: Mr.N.Sudalaimuthu
For Respondents	: Mrs.M.Parameswari, for Mr.S.M.S.Johny Basha, Standing Counsel.

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Standing counsel appearing for the respondents.

2. With the consent of the learned counsel on either side, the writ petition is taken up for disposal at the admission stage itself.

3. The petitioner is a consumer of electricity. The petitioner failed to pay the current consumption charges from February 2020 to October 2020. As a result, the arrear charges payable by the petitioner mounted to Rs.64,35,463/-. Since the petitioner did not clear the said liability, the petitioner's service connection was disconnected.



4. Now the petitioner wants re-connection. The petitioner calls upon this Court to invoke the beneficial provisions of Regulation 22 of the Tamil Nadu Electricity Supply Code and permit him to clear the monthly installments.

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5. Even before the commencement of the argument, the petitioner's counsel states that after the re-connection is effected, the petitioner would promptly pay the current consumption charges as per the demand that may be raised by the respondents. This undertaking is recorded.

6. If the petitioner fails to adhere to this undertaking, it will be open to the respondents herein to once again disconnect the petitioner's service connection.

7. Regulation 22 of the Tamil Nadu Electricity Supply Code reads as follows:-

"22. Restoration of supply of electricity (1)

The Licensee shall restore the supply to the service immediately and in any case not exceeding twelve hours 1 [in the case of urban areas and twenty four hours in the case of rural areas] on recovery of electricity charges or such other sums together with any expenses incurred by the Licensees in cutting off and re-connecting the supply.

(2) In the case of a service connection remaining disconnected for six months or more the consumer's installation will be tested, revised test report obtained and the testing charges collected from the consumer before the same is restored. [Such revised test report shall be signed by the consumer or legal owner or legal occupant of the premises].

(3) To restore supply to a High Tension service connection which remains disconnected for one year or more, approval of the competent authority with regard to safety and security of the installation shall be obtained.

(4) In the case of service connections, which have been disconnected, the Licensee shall have the power to allow installment payments of all arrears in deserving cases.

(5) The Licensee shall restore the disconnected service before issue of termination of Agreement Notice and also during the notice period for termination of agreement on recovery of total arrears due till the date of restoration.

(6) (i) When a service connection remains disconnected for non payment of electricity charges beyond the notice period of three months, if the



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consumer comes forward within the period mentioned below to pay the actual dues and agrees to remit the charges in clause (ii) below, the official authorized by the Licensee may grant extension of time beyond the notice period and revoke the termination of agreement provided that the lines feeding the service connection have not been dismantled, so as to facilitate reconnection of the disconnected service.

Category	Period for reconnection of disconnected service
HT consumers	Within five years from the date of Disconnection
LT Agricultural consumers	-do-
Other LT Consumers	Within two years from the date of Disconnection

(ii) In accordance with sub-regulation (4), the authorized Officer of the Licensee may permit such consumer to pay the outstanding in instalments and to avail reconnection on receipt of 40% of the total arrears outstanding after closing of account due to the licensee, which include -

- (a) Arrears on the date of disconnection;
- (b) Tariff minimum and meter rent for the period of six months from the date of disconnection (including the notice period)
- (c) The applicable BPSC / interest upto the date of payment.
- (d) The balance 60% of the amount shall be collected in ten monthly instalments.
- (e) In addition to the above, the full amount of Security Deposit adjusted while closing of account shall be collected in one lumpsum before effecting new service connection.

[Explanation: For the purpose of removal of doubts, it is hereby declared that any tariff minimum collected by the Tamil Nadu Electricity Board prior to the date of publication of the Tamil Nadu Electricity Supply (Amendment) Code, 2006 in the Tamil Nadu Government Gazette, that is to say prior to 21st June 2006 on the basis of sub-regulation (6) as it stood before the said amendment need not be refunded by the Tamil Nadu Electricity Board.]

(7) If the consumers of the disconnected service come forward for reconnection after the period mentioned in sub-regulation (6) (i), the licensee shall treat them as new applicants and supply effected after recovering all charges applicable to a new service connection and



all other arrears with BPSC.

(8) The facility of payment in installments will be made available to the consumer on request. To avail of this facility, the consumer shall execute an undertaking in Form (5) in the Appendix to this Code."

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8. Though there is some force in the contention of the learned Standing counsel that the petitioner cannot invoke Regulation 22(4) and 22(6) of the Tamil Nadu Electricity Supply Code, I am of the view that considering the special facts and circumstances obtaining in this case, the petitioner can be given some relief.

9. The petitioner agrees to pay 50% of the impugned bill of Rs.64,35,643/- within a period of two weeks from the date of receipt of a copy of this order. He should also remit the reconnection charges. Thereupon, the petitioner's supply of electricity will be restored immediately and without delay. The balance amount payable by the petitioner will be cleared by him in six equal monthly installments commencing from 01.04.2021.

10. This writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Chairman,
TANGEDCO,
144, Anna Salai, Chennai - 600 002.
2. The Superintending Engineer,
Dindigul Elec. Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Limited(TANGEDCO),
Dindigul.

+1 CC to M/s.N.SUDALAIMUTHU, Advocate (SR-5470[F] dated

W.P. (MD)No.2580 of 2021

15.02.2021

KUN(CO)

KB(04.03.2021) 4P 4C

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