



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.05.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.9260 of 2021

Sree Rajasekar Spinning Mills Pvt. Ltd., (HTSC 0134),
S.Thiruvenkatapuram,
R.Reddiapatti (via),
Rajapalayam - 626 136,
Virudhunagar District.

Rep. by its Factory Manager R.Ramesh

... Petitioner

Vs.

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

2.The Superintending Engineer,
TANGEDCO,
Virudhunagar Electricity Distribution Circle,
Virudhunagar.

... Respondents

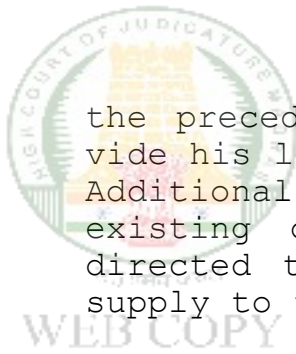
PRAYER: Petition filed under Article 226 of the Constitution of India to direct the 1st and 2nd respondents to permit the petitioner to pay the Additional Security Deposit of Rs.15,40,839/- alone in six equal monthly instalments along with regular current consumption charges.

For Petitioner : Mr.R.S.Pandiaraj
For Respondents : Ms.S.Srimathy

ORDER

This writ petition is filed for a Mandamus, directing the 1st and 2nd respondents to permit the petitioner to pay the Additional Security Deposit of Rs.15,40,839/- alone in six equal monthly instalments along with regular current consumption charges.

2. The case of the petitioner is that he is having HT service connection bearing No.0134 with the second respondent and has also given security deposit of Rs.12,67,211/-. As per Regulation 5(5) (ii) (a) of the Tamil Nadu Electricity Supply Code, 2004, the CCD should be two times of the average of the electricity charges for



the preceding twelve months prior to April. The second respondent vide his letter dated 21.04.2021, directed the petitioner to pay the Additional Security Deposit of Rs.15,40,839/- over and above the existing deposit of Rs.12,67,211/- in one lump sum and also directed that on failure of payment of such deposit, electricity supply to the petitioner's Company would be disconnected.

3. Mr.R.S.Pandiaraj, learned counsel for the petitioner by relying on the judgment of a Division Bench of this Court in W.A(MD) No.407 of 2012 etc., batch dated 02.08.2012, would submit that though the Regulation does not provide for payment on instalments, in similar circumstances, this Court has extended the benefit of payment of Additional Security Deposit amount on instalments. He would further submit that in view of the present day Covid-19 Pandemic situation, similar relief can be granted to the petitioner also, otherwise, it would be difficult for the petitioner to pay the entire amount in one lump sum.

4. Mrs.S.Srimathy, learned Standing Counsel, takes notice for the respondents and would submit that as per Regulation 5(5)(ii)(a) of the Tamil Nadu Electricity Supply Code, 2004, CCD should be two times of the average of the electricity charges for the preceding twelve months prior to April and depending upon the consumption of the petitioner, the Additional Security Deposit has been called for from the petitioner, vide letter dated 21.04.2021. There is no provision available under the Regulation for granting the benefit of payment of Additional Security Deposit amount in instalments.

5. This Court paid its anxious consideration to the rival submissions made and also perused the materials placed on record.

6. The Division Bench of this Court, in the decision rendered in W.A(MD)No.407 of 2012 etc., batch, dated 02.08.2012, has held as follows:

"8. It is to be pointed out that Regulation (5) (5) (iv) of the Tamil Nadu Electricity Supply Code forms the term of contract and the respondent(s) is governed by the same, the purpose of adequacy of the current consumption deposit is re-viewable once in 12 months. The purpose of the review and obtaining additional Security Deposit is to avoid any loss due to default in payment to current Consumption Charges. When the adequacy of the current consumption deposit is reviewable once in 12 months, permitting the respondent(s)/writ petitioner(s) to pay additional Security Deposit in twelve instalments will defeat the very provision since the Additional Security Deposit is to be reviewed every year that is after every 12 months. The direction issued by the Writ Court is against the express statutory provisions of the Tamil



Nadu Electricity Supply Code and the same cannot be sustained and is liable to be set aside.

9. It was stated that the respondent (s) / writ petitioner (s) have paid three instalments as per the order of the Writ Court and the remaining amount is payable in three equal instalments commencing from August, 2012. So far as the remaining amount, the first installment is payable on or before 10th of August, 2012, the second instalment shall be payable on or before 10th September, 2012 and the third instalment is payable on or before 10th October, 2012. Failure to pay any one of the instalments, it is open to the appellant Electricity Board to proceed against the respondent(s)/writ petitioner(s) in accordance with law. Accordingly, the order of the Writ Court is modified and the Writ Appeals are partly allowed. No Costs. Connected Miscellaneous Petitions are closed."

7. By following the decision of the Division Bench of this Court, this Court has also passed several other orders, which have also been relied on by the learned counsel for the petitioner in support of his submissions.

8. Since similar relief has been granted by this Court to the similarly placed persons like that of the petitioner, considering the Covid-19 Pandemic situation, the same benefit shall be extended to the petitioner also. Therefore, the respondents are directed to accept the payment of Additional Security Deposit from the petitioner in six monthly instalments along with regular current consumption charges commencing from June, 2021.

9. Accordingly, the Writ Petition is allowed. No Costs.

Sd/-

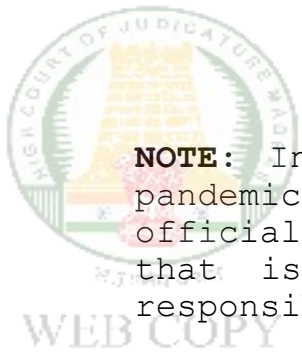
Assistant Registrar (AD-II)

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/ /2021

Sub Assistant Registrar(CS)

pm/am



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.

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2. The Superintending Engineer,
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