



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Monday, the Seventh day of June Two Thousand and Twenty One

PRESENT

WEB COPY

The Hon'ble Mrs.Justice J.NISHA BANU

W.P (MD) Nos.9839, 9840, 9841, 9842 & 9844 of 2021
and

W.M.P (MD) Nos.7564, 7565, 7567, 7569, 7570, 7571, 7574,
7578, 7576 and 7577 of 2021

M/S.SRI SATYA SAI PAPER AND BOARD MILLS PVT., LTD.,
REPRESENTED BY ITS AUTHORISED SIGNATORY
M.SAMAYAKARUPPASAMY
HTSC No.079094620187,
LAKSHMIAPURAM ROAD, AMATTUR,
VIRUDHUNAGAR 626 005

... PETITIONER
IN WP (MD) No.9839/2021

M/S.SRIPATHI PAPER AND BOARDS PVT LIMITED UNIT-II
REPRESENTED BY ITS AUTHORISED SIGNATORY
M.SAMAYAKARUPPASAMY
HTSC No.079094620283,
SUKKIRAVARPATTI, ANAIKUTTAM,
SIVAKASI 626 130

... PETITIONER
IN WP (MD) Nos.9840/2021

M/S.VISVAS PAPERS PVT., LTD.,
REPRESENTED BY ITS AUTHORISED SIGNATORY
M.SAMAYAKARUPPASAMY
HTSC No.079094620358,
BF-4, SRINIVASA APARTMENTS, NANDINI STREET,
VELMURUGAN NAGAR, VEERACHOLAN,
ARUPPUKOTTAI,
VIRUDHUNAGAR 626 612

... PETITIONER
IN WP (MD) No.9841/2021

M/S.SRIPATHI PAPER AND BOARDS PVT LIMITED.,
REPRESENTED BY ITS AUTHORISED SIGNATORY
M.SAMAYAKARUPPASAMY
HTSC No.079094620210,
SUKKIRAVARPATTI, ANAIKUTTAM,
SIVAKASI 626 130

... PETITIONER
IN WP (MD) No.9842/2021



M/S.SHREENIVASA PAPER AND BOARD,
REPRESENTED BY ITS AUTHORISED OF SIGNATORY
M.SAMAYAKARUPPASAMY
HTSC No.079094620331,
S.F.No.399/2A2K,
THOTTIYAPATTI ROAD, RAJAPALAYAM,
VIRUDHUNAGAR 626 117

... PETITIONER
IN WP (MD) No.9844/2021

Vs

- 1 THE CHAIRMAN
TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION LIMITED,
144, ANNA SALAI, CHENNAI 600 002.
- 2 CHIEF FINANCIAL CONTROLLER/REVENUE,
ACCOUNTS BRANCH, REVENUE DIVISION,
TANGEDCO,
144, ANNA SALAI, CHENNAI 600 002.
- 3 THE SUPERINTENDING ENGINEER,
VIRUDHUNAGAR ELECTRICITY,
DISTRIBUTION CIRCLE,
TANGEDCO, VIRUDHUNAGAR.

... RESPONDENTS
IN ALL THE PETITIONS

Prayer in WP (MD) No.9839/2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS or any other writ or order or direction in the nature of a writ, calling for the records of 3rd Respondent in the matter of issuance of their impugned Current consumption bill dated 19.05.2021 vide Bill No.H4620187042111 for petitioner's HTSC No.079094620187 for the month April 2021 and quash the same, as illegal, arbitrary and violation of Regulation 5(5)(V) of the Tamilnadu Electricity Supply Code 2004 and consequently direct the 3rd respondent to adjust the excess security deposit amount as determined by the 3rd respondent vide proceedings dated 22.04.2021 in Lr.No.SE/Virudhunagar EDU/DFC/AAO/AS/HTSC No.079094620187/D.No.463/20 against the regular current consumption charges as contemplated under Regulation 5(5)(V) of the Tamilnadu Electricity Supply Code 2004.

Prayer in WMP (MD) No.7564/2021 in WP (MD) No.9839/2021 :

To grant INTERIM STAY of all further proceedings in pursuance of the impugned Current Consumption Charges Bill Dated 19.5.2021 vide Bill No.H4620187042111 dated 19.05.2021 for the month April 2021 for petitioners HTSC No.079094620187 pending disposal of the above Writ Petition.

Prayer in WMP (MD) No.7565/2021 in WP (MD) No.9839/2021 :

<https://hcservices.ecourts.gov.in/hcservices/>

To issue an order of Interim Injunction restraining the 1 to 3 Respondents, their men and their subordinates collecting sum from



petitioner in the name of current consumption charges without following Regulation 5(5)(V) of the Tamilnadu Electricity Supply Code 2004 till the disposal of the Writ Petition.

Prayer in WP(MD)No.9840/2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS or any other writ or order or direction in the nature of a writ, calling for the records of 3rd Respondent in the matter of issuance of their impugned Current consumption bill dated 19.05.2021 vide Bill No.H4620283042111 for petitioner's HTSC No.079094620283 for the month April 2021 and quash the same, as illegal, arbitrary and violation of Regulation 5(5)(V) of the Tamilnadu Electricity Supply Code 2004 and consequently direct the 3rd respondent to adjust the excess security deposit amount as determined by the 3rd respondent vide proceedings dated 22.04.2021 in Lr.No.SE/Virudhunagar EDU/DFC/AAO/AS/HTSC No.079094620283/D.No.463/20 against the regular current consumption charges as contemplated under Regulation 5(5)(V) of the Tamilnadu Electricity Supply Code 2004.

Prayer in WMP(MD)No.7567/2021 in WP(MD)No.9840/2021 :

To grant INTERIM STAY of all further proceedings in pursuance of the impugned Current Consumption Charges Bill dated 19.05.2021 vide Bill No. H4620283042111 for the month April 2021 for petitioners HTSC No. 079094620283 pending disposal of the above writ petition.

Prayer in WMP(MD)No.7569/2021 in WP(MD)No.9840/2021 :

To issue an order of INTERIM INJUNCTION restraining the 1 to 3 Respondents, their men and their subordinates collecting sum from petitioner in the name of current consumption charges without following Regulation 5(5)(V) of the Tamilnadu Electricity Supply Code 2004 till the disposal of the writ petition.

Prayer in WP(MD)No.9841/2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS or any other writ or order or direction in the nature of a writ, calling for the records of 3rd Respondent in the matter of issuance of their impugned Current consumption bill dated 19.05.2021 vide Bill No.H4620358042111 for petitioner's HTSC No.079094620358 for the month April 2021 and quash the same, as illegal, arbitrary and violation of Regulation 5(5)(V) of the Tamilnadu Electricity Supply Code 2004 and consequently direct the 3rd respondent to adjust the excess security deposit amount as determined by the 3rd respondent vide proceedings dated 21.04.2021 in Lr.No.SE/Virudhunagar EDU/DFC/AAO/AS/HTSC No.079094620358 / D.No.463/20 against the regular current consumption charges as contemplated under Regulation 5(5)(V) of the Tamilnadu Electricity Supply Code 2004.

Prayer in WMP(MD)No.7570/2021 in WP(MD)No.9841/2021 :

<https://hcservices.ecourts.gov.in/hcservices/>

To grant INTERIM STAY of all further proceedings in pursuance of the impugned Current Consumption Charges Bill Dated 19.5.2021 vide



Bill No.H4620358042111 dated 19.05.2021 for the month April 2021 for petitioners HTSC No.079094620358 pending disposal of the above Writ Petition.

Prayer in WMP(MD)No.7571/2021 in WP(MD)No.9841/2021 :

To issue an order of Interim Injunction restraining the 1 to 3 Respondents, their men and their subordinates collecting sum from petitioner in the name of current consumption charges without following Regulation 5(5)(V) of the Tamilnadu Electricity Supply Code 2004 till the disposal of the Writ Petition.

Prayer in WP(MD)No.9842/2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS or any other writ or order or direction in the nature of a writ, calling for the records of 3rd Respondent in the matter of issuance of their impugned Current consumption bill dated 19.05.2021 vide Bill No.H4620210042111 for petitioner's HTSC No.079094620210 for the month April 2021 and quash the same, as illegal, arbitrary and violation of Regulation 5(5)(V) of the Tamilnadu Electricity Supply Code 2004 and consequently direct the 3rd respondent to adjust the excess security deposit amount as determined by the 3rd respondent vide proceedings dated 22.04.2021 in Lr.No.SE/Virudhunagar EDU/DFC/AAO/AS/HTSC No.079094620210/ D.No.463/20 against the regular current consumption charges as contemplated under Regulation 5(5)(V) of the Tamilnadu Electricity Supply Code 2004.

Prayer in WMP(MD)No.7574/2021 in WP(MD)No.9842/2021 :

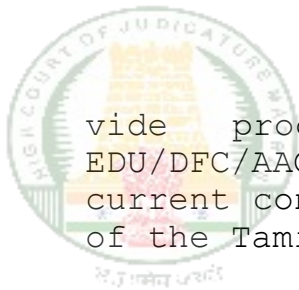
To grant INTERIM STAY of all further proceedings in pursuance of the impugned current consumption charges Bill dated 19.05.2021 vide Bill No.H4620210042111 dated 19.05.2021 for the month April 2021 for petitioners HTSC No.079094620210 pending disposal of the above writ petition.

Prayer in WMP(MD)No.7578/2021 in WP(MD)No.9842/2021 :

To issue an order of INTERIM INJUNCTION restraining the 1 to 3 Respondents, their men and their subordinates collecting sum from petitioner in the name of current consumption charges without following Regulation 5(5)(v) of the Tamil Nadu Electricity Supply Code 2004 till the disposal of the writ petition.

Prayer in WP(MD)No.9844/2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS or any other writ or order or direction in the nature of a writ, calling for the records of 3rd Respondent in the matter of issuance of their impugned Current consumption bill dated 19.05.2021 vide Bill No.H4620331042111 for petitioner's HTSC No.079094620331 for the month April 2021 and quash the same, as illegal, arbitrary and violation of Regulation 5(5)(V) of the Tamilnadu Electricity Supply Code 2004 and consequently direct the 3rd respondent to adjust the excess security deposit amount as determined by the 3rd respondent



vide proceedings dated 21.04.2021 in Lr.No.SE/Virudhunagar EDU/DFC/AAO/AS/HTSC No.079094620331/D.No.463/20 against the regular current consumption charges as contemplated under Regulation 5(5)(V) of the Tamilnadu Electricity Supply Code 2004.

Prayer in WMP(MD)No.7576/2021 in WP(MD)No.9844/2021 :

To grant INTERIM STAY of all further proceedings in pursuance of the impugned Current Consumption Charges Bill Dated 19.5.2021 vide Bill No.H4620331042111 dated 19.05.2021 for the month April 2021 for petitioners HTSC No.079094620331 pending disposal of the above Writ Petition.

Prayer in WMP(MD)No.7577/2021 in WP(MD)No.9844/2021 :

To issue an order of Interim Injunction restraining the 1 to 3 Respondents, their men and their subordinates collecting sum from petitioner in the name of current consumption charges without following Regulation 5(5)(V) of the Tamilnadu Electricity Supply Code 2004 till the disposal of the Writ Petition.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr. SUDALAIMUTHU.N, Advocate for the petitioner in all the petitions and of Mr.S.SRIMATHY, Standing Counsel taking notice on behalf of the Respondents in all the petitions, the Court made the following order:-

Mrs.S.Srimathy, learned Standing Counsel takes notice on behalf of the respondents.

2.According to the petitioner, the petitioner is the manufacture of Paper and Boards and he has obtained HT supply connection from the respondents and he is also paying the monthly current consumption charges, without any default.

3.As per Regulation 35 of the Tamil Nadu Electricity Distribution Code 2004, every consumer of electricity, is mandated to make security deposit towards the supply of electricity, with the respondent TANGEDCO. Pursuant to which, the adequacy of such security deposit held with the TANGEDCO, would be reviewed by the concerned Superintending Engineers, on the closure of each financial year. In case, the security deposit is not sufficient, the concerned Superintending Engineers would demand payment of additional security deposit. In the present case, on review of the adequacy of the security deposit for the period 2021-22, the petitioner was having an excess security deposit. In spite of the excess security deposit, the third respondent issued the impugned consumption bills, dated 19.05.2021.

4.The learned counsel appearing for the petitioner submitted that when the amount of Security deposit held by the consumers, is in excess of the actual requirements, as per Regulation 5(5)(v) of the Tamil Nadu Electricity Supply Code 2004, the excess shall be



adjusted against two future demands for the electricity supplied.

5.The learned Standing Counsel appearing for the respondents submitted that due to pandemic situation, the respondents are not able to proceed with the matter. Further, she expressed that there are deficiency in staff.

6.Since the only apprehension of the petitioner is that the respondents disconnect the electricity for want of payment of the bill, there shall be a direction to the respondents not to disconnect the electricity connection of the petitioner, till the disposal of the writ petition.

7.Post the matter on 29.07.2021.

sd/-
07/06/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE CHAIRMAN
TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION LIMITED,
144, ANNA SALAI, CHENNAI 600 002.

2 CHIEF FINANCIAL CONTROLLER/REVENUE,
ACCOUNTS BRANCH, REVENUE DIVISION,
TANGEDCO,
144, ANNA SALAI, CHENNAI 600 002.

3 THE SUPERINTENDING ENGINEER,
VIRUDHUNAGAR ELECTRICITY,
DISTRIBUTION CIRCLE,
TANGEDCO, VIRUDHUNAGAR.

+ 1 CC TO Mr.SUDALAIMUTHU.N, ADVOCATE IN SR No. 3879

ORDER IN
WP(MD)Nos.9839, 9840, 9841, 9842 and
9844/2021 IN
WMP(MD)Nos.7564, 7565, 7567, 7569, 7570,
7571, 7574, 7578, 7576 and 7577 of 2021
Date :07/06/2021

KMM

TE/JC/SAR-III : 23/06/2021 : 6P/5C