



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

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CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.428 of 2022

AKCT Chithambaram Cotton Mills (pvt) Ltd.  
Mangalam Post, Thiruvannamalai Taluk,  
Thiruvannamalai District,  
Rep. by its General Manager K.Selvaraj

...Petitioner

Vs.

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

2 The Superintending Engineer,  
TANGEDCO, Thiruvannamalai  
Electricity Distribution Circle,  
TEDC, Thiruvannamalai District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the respondents to permit the petitioner to pay the past period arrears of additional surcharge of Rs.19,79,520/- in 12 equal monthly instalments along with their regular CC Charges.

For Petitioner : Mr.F.Deepak

For Respondents: Mr.L.Jai Venkatesh  
Standing Counsel

O R D E R

This writ petition has been filed for a direction to directing the respondents to permit the petitioner to pay the past period arrears of additional surcharge of Rs.19,79,520/- in 12 equal monthly instalments along with their regular CC Charges.

2. Mr.L.Jai Venkatesh, learned Standing Counsel takes notice to the respondents 1 & 2.



3. The case of the petitioner is that the petitioner was informed by the respondents vide demand letter dated 24.11.2021 to pay additional surcharge for the past period from 04.2021 to 30.10.2021 along with BPSC charges calculated at 1.5% per month (i.e. 18% per year) in one lump sum within a period of 15 days from the date of receipt of the impugned notice, failing which the petitioner's HT Service connection will be disconnected. The petitioner did not fulfil the demand of the respondents, due to COVID-19 pandemic situation. While being so, the impugned order directing payment of charges as demanded by the respondent in one lump sum would result in serious prejudice and hardship and would cause huge amount of loss to the petitioner as he is already facing financial crisis. Hence, the present Writ Petition is filed seeking the above relief.

4. The learned counsel for the petitioner submits that already similar issue has been considered by the Division Bench of this Court in W.A.Nos.3075 to 3078 vide its order dated 24.04.2008 and the same relief may be granted to the petitioner as in the aforesaid Appeals by this Court and the petitioner may be permitted to pay the past arrears of additional surcharge with BPSC at 1% per month (i.e. 12% per year) in ten equal instalments along with their regular CC charges.

5. The learned Standing Counsel denied the submissions made by the learned counsel for the petitioner placing his reliance on the order passed in W.A.Nos.3075 to 3078 and submits that the facts of the present case is not similar to the case which was dealt with by the Division Bench of this Court. Hence, the relief sought for in the present in line with the order passed in aforesaid appeals cannot be granted and therefore, the present writ petition is liable to be dismissed.

6. Heard the learned counsel on the either side.

7. Though the Writ Appeal Nos.3075 to 3978 of 2003 has been pressed into service by petitioner, though the Division Bench had ordered payment of BPSC Charges, however in the facts of the said, the Division Bench had reduced the interest component. However, the facts in the present case are not identical to the case before the Division Bench and therefore, modification in the interest would not arise. Therefore, this Court in the interest of justice feels that the amount quantified by the Respondents may be permitted to be paid in six equal instalments.

8. Accordingly, this Writ Petition is disposed of directing the petitioner to pay the sum of Rs.19,79,520/- as quantified by the respondents in six instalments, of which the first instalment shall be paid on 05.02.2022 and the subsequent



instalment shall be paid on the 5<sup>th</sup> day of every subsequent month. No costs.

Sd/-

Assistant Registrar(CS VIII)

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//True Copy//

Sub Assistant Registrar

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To

- 1 The chairman,  
Tamil Nadu Generation and Distribution  
Corporation Ltd., 144 Anna Salai,  
Chennai 600 002.
- 2 The Superintending Engineer,  
TANGEDCO, Thiruvannamalai  
Electricity Distribution Circle,  
TEDC, Thiruvannamalai District.

+1cc to Mr.F.Deepak, Advocate, S.R.No.2687

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KSM(CO)  
KKV/03/02/2022