



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.1627 of 2022

Jagannath Textiles Company Ltd HTSC No.418
No.4/145 Karuvalur Road, Kaduvettipalayam,
Karumathampatti Post Solur, Taluk, Coimbatore-641-659
Rep by its Managing Director Ramesh Kumar Tibrewal.
..Petitioner

Vs

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

2. The Superintending Engineer,
TANGEDCO,
Coimbatore Electricity Distribution Circle South,
Coimbatore. .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to permit the petitioner to pay the past period arrears of additional surcharge of Rs.53,36,042/- in 10 equal monthly installments along with their regular CC Charges.

For Petitioner : Mr. R. S.Pandiayaraj

For Respondents: Mr. L. Jaivenkatesh
Standing Counsel.

ORDER

The present petition has been filed seeking a direction to the respondents permit the petitioner to pay the past period arrears of additional surcharge of Rs.53,36,042/- in 10 equal monthly installments along with their regular CC Charges.

2. Mr. L. Jaivenkatesh, learned Standing Counsel takes notice for respondents.

3. The case of the petitioner is that they were issued a demand letter dated 04.01.2022, informing them to pay additional surcharge for the past period from April 2021 to October 2021 along with BPSC charges calculated at 1.5% p.m. (i.e.18% per year) in one lumpsum immediately from the date of



receipt of the demand notice, failing which, their HT Service connection will be disconnected. Due to COVID-19 pandemic, the petitioner could not fulfil the demand of 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 counsel for the petitioner submitted that a similar issue has already been dealt with by a Division Bench of this Court in W.A.Nos.3075 to 3078 vide Judgement dated 24.04.2008 and the same relief may be granted to the petitioner herein and that 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. Learned Standing Counsel appearing for the respondents objected to the submissions of the learned counsel for the petitioner and stated that the judgement dated 24.04.2008 relied on by the learned counsel for the petitioner in W.A.Nos.3975 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.

6. 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 five instalments.

7. Accordingly, this Court directs the petitioner to pay a sum of Rs.53,36,042/- quantified by the respondents in the demand notice dated 04.01.2022, in five instalments, of which Rs.13,36,042/- shall be paid on or before 08.02.2022 and balance amount of Rs.40,00,000/- shall be paid in four equal monthly instalments to be paid on the 8th of every month.

8. This Writ Petition is disposed of with the aforesaid direction. No Costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



NHS

To

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

2. The Superintending Engineer,
TANGEDCO,
Coimbatore Electricity Distribution Circle South,
Coimbatore.

+lcc to the Government Pleader, SR.No.8515(21/03/2022)

W.P.No.1627 of 2022

AJB(CO)
SB(07/02/2022)