



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.02.2022
CORAM :

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.31726 of 2015
and M.P.No.1 of 2015

Saheli Exports Pvt. Ltd.
Old No.10 New No.25,
Sir Madhavan Nair Road, Mahalingapuram,
Chennai 600 034.

... Petitioner

Vs.

1.Tamil Nadu Generation and Distribution Corporation Limited,
TANGEDCO
represented by its Chairman cum Managing Director
NPKRR Maaligai,
144, Anna Salai,
Chennai - 600 002.

2.The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai - 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus to direct the respondents herein to forthwith pay the petitioner the sum of Rs.2,01,43,612/- being the interest due and payable to the petitioner against delayed payments for the power that has been supplied by the petitioner to the respondents herein.

For Petitioner : Mr.Rahul Balaji

For Respondents : Mr.L.Jai Venkatesh
Senior Counsel

O R D E R

This writ petition is filed for payment of a sum of Rs.2,01,43,612/- interest due payable to the petitioner against the delayed payments of the power that was supplied by the petitioner to the respondents.

2.The learned counsel appearing for the respondents has filed a detailed counter and relevant paragraphs Nos.6, 7, 8 & 9 are read as under:



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"6.It is submitted that due to financial constraints underwent by the Respondent/TANGEDCO during the last few years, the TANGEDCO was unable to meet its financial commitments. It is submitted that the TANGEDCO incurred losses over a period of many years, led to financial difficulties. It is submitted that, the delay in making payments by the respondents was due to financial constraint in the recent years and the said non-payment of dues is not intentional. It is submitted that the Respondent is functioning under the purview of the State Government and thereby discharging its duties in the larger interest of public. It is the duty of the Respondents/TANGEDCO to generate and supply electricity to its consumers at a reasonable rate without any hindrance.

7.It is further submitted that due to the aforesaid reasons and critical financial position, TANGEDCO was not able to make payment then and there from August 2010.

8.It is submitted that in view of the above the respondent/TANGEDCO has faced with outstanding payments generators. It is submitted that even when the loan repayments and interest payments could not be made on the due dates due to the financial crisis faced by the TANGEDCO, all the payments pertaining to energy bills are being made to the petitioners periodically, except the invoices for surcharge payments.

9.It is submitted that the TANGEDCO is committed to meet its payment obligations and is taking appropriate steps to revive its financial strength and thereby the question of violation or nonpayment of dues on the part of the TANGEDCO does not arise."

3.On a reading of the counter affidavit, it is noted that it was not the intension of the respondents that not to pay the due payable to the petitioner but due to the financial constraints and that they have incurred losses over a period of time, they were not able to make the payments then and there from the year August, 2010.

4.Considering the submissions made by the learned counsel for the petitioner way of affidavit, this Court is of the considered opinion that the payment due, which is payable to the



petitioner shall be paid by the respondents within a specified time limit. But, however, considering the financial constraints underwent by the respondents and said due viz., Rs.2,01,43,612/- payable by the respondents, this Court is inclined to direct the respondents to pay the said due amount within a period of twelve monthly by equal monthly installments and the first month installment should be commence from 01.04.2022.

5. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Dua

To

1. The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
TANGEDCO
NPKRR Maaligai,
144, Anna Salai,
Chennai - 600 002.

2. The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai - 600 002.

+1 cc to Mr.L.JaiVenkatesh, Advocate Sr.NO.11761

+1 cc to Mr.S.Parthasarathy, Advocate Sr.NO. 12254

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mg (CO)

A.SK(02/06/2022)