



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)No.1256 of 2022

M/s.A.V.Industries,
represented by its Proprietor,
G.Arulraja, Tuticorin-1.

... Petitioner

vs.

1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Formerly known as TNEB,
N.P.K.R.R.Maaliga, No.144, Anna Salai,
Chennai - 600 002.

2.The Chief Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Formerly known as TNEB,
Madurai Region, K.Pudur, Madurai - 625 007.

3.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Formerly known as TNEB,
Sivagangai Electricity Distribution Circle,
Sivagangai.

... Respondents

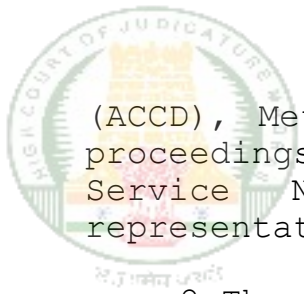
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to permit the petitioner to pay the Current Consumption Charges, Additional Current Consumption Deposit (ACCD), Meter Caution Deposit (MCD) with other charges as per the proceedings issued by the third respondent in Lr.No.SE/SEDC /SVGA/DFC/REV/ HT/AS/F/HTSC / 155/D.No.421/20 dated 23.11.2020 against the HT Service No.155 on installment basis.

For Petitioner :Mr.S.Sades Kumar

For Respondents :Mr.S.Deenadhayalan, Standing Counsel

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to permit the petitioner to pay the Current Consumption Charges, Additional Current Consumption Deposit



(ACCD), Meter Caution Deposit (MCD) with other charges as per the proceedings of the third respondent, dated 23.11.2020 against the HT Service No.155 on installment based on the petitioner's representation within a time frame to be fixed by this Court.

2.The case of the petitioner is that he purchased the factory from "Samrajvee Trading Solution" formerly known as "M/s.Sri Alagumalaiyan Industries". There seems to be arrears of Current Consumption Charges, Additional Current Consumption Deposit (ACCD), Meter Caution Deposit (MCD) and other charges payable to the second respondent.

3.It is the case of the petitioner that his vendor has given a representation on 16.12.2021 seeking for payment of arrears of charges in installments. According to him, the same was not considered. In such circumstances, he has filed this Writ Petition. It is also his case that by proceedings of the second respondent, dated 23.11.2020, based on the representation given by the petitioner's vendor, the third respondent has agreed for receipt of the outstanding amount in installments. Since the petitioner's request has not been considered, this Writ Petition has been filed.

4.Heard Mr.S.Sades Kumar, learned Counsel for the petitioner and Mr.S.Deenadhayalan, learned Standing Counsel for the respondents.

5.The learned Counsel for the petitioner would submit that subsequent to the filing of the Writ Petition, on 18.02.2022, the petitioner has given a fresh representation to the third respondent requesting for payment of the outstanding dues in installments.

6.The learned Standing Counsel for the respondents, on instructions, would submit that the said representation will be considered on merits and in accordance with law. The learned Counsel for the petitioner, however, states that while passing final orders on the petitioner's representation, dated 18.02.2022, the second respondent has to consider the proceedings, dated 23.11.2020 also, which has been passed by the second respondent under which the petitioner's vendor was permitted to pay the dues in installments.

7.No prejudice will be caused to the petitioner, if the proceedings of the third respondent, dated 23.11.2020 is also considered before passing final orders on the petitioner's representation, dated 18.02.2022.

8.Accordingly, this Court directs the third respondent to consider the petitioner's representation, dated 18.02.2022 seeking for payment of Current Consumption Charges, Additional Current Consumption Deposit (ACCD), Meter Caution Deposit (MCD) with other charges in installments and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner



and by considering the proceedings, dated 23.11.2020 issued by the second respondent in favour of the vendor of the petitioner within a period of four weeks from the date of receipt of a copy of this order.

9. With the above observation, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(AD I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Cmr
To

1. The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
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Formerly known as TNEB,
Sivagangai Electricity Distribution Circle,
Sivagangai.

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-8832[F] dated 25/02/2022)

Order made in
W.P. (MD) No.1256 of 2022
24.02.2022

SS (05.03.2022) 3P 5C