



W.P. No.11314 of 2020

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM: JUSTICE N.SESHASAYEE

W.P. No.11314 of 2020 and
W.M.P. Nos.13792 & 13793 of 2020

Jeppiaar Furnace and Steels Private Limited
Represented by its Managing Director
Registered office at Aarthi Chambers
First Floor, Door No.5, Old No.189, New No.188
Anna Salai, Chennai - 600 006

... Petitioner

Vs.

1.Tamil Nadu Generation Distribution and
Corporation Ltd (TANGEDCO)
144, Anna Salai
Chennai - 600 002

2.Superintending Engineer
Chengalpattu Electricity Distribution Circle
TANGEDCO
No.130, GST Road
Chengalpattu - 603 001

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for a writ of certiorarified mandamus, calling for the records comprised in Lr. No.SE/C/ChengalpattuEDC/DFC/AD/AS/HTSC No.099094110473/D.No.995/20 dated 24.07.2020 and Lr. No.SE/C/ChengalpattuEDC/DFC/AD/AS/HTSC No.099094110738/D. No.995/20 dated 24.07.2020, quash the same as arbitrary, illegal and unjust and permit the petitioner company to pay the legally applicable additional security deposit in 12 equal monthly installments commencing from September/October 2020.



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For Petitioner : Mr.V.P.Raman
For Respondents : Mr.L.Jaivenkatesh,
Standing Counsel for R1 & R2

ORDER

The petitioner herein challenges the notice dated 24.07.2020. The petitioner has two high tension electricity service connection in its unit and they are Service Nos.099094110473 and 099094110738.

2. While so, the second respondent issued the first of the two notices now under challenge requiring the petitioner to make an additional deposit of Rs.49,94,391. Vide another impugned notice, it had required the petitioner to make an additional deposit of Rs.2,68,46,674/-. As regards these notices, the petitioner does not have any dispute over the correctness of the notices requiring an additional deposit of Rs.49,94,391/- and Rs.2,68,46,674/-. Its only response to them is that owing to Covid condition, it could not deposit the same. The dispute, therefore, essentially revolves around the second notice.



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3. According to the petitioner, in terms of Regulation 5(5) of the Tamil Nadu Electricity Supply Code, additional deposit may have to be quantified as two times the monthly average of electricity charges for the preceding 12 months. The petitioner has given a tabulation in his affidavit, based on which the monthly average for 12 months would be Rs.1,67,47,543/-, whereas the second respondent has reckoned it at the maximum electricity charges payable by the petitioner. Accordingly, the second respondent has picked the electricity charges payable for September 2019 and it was Rs.2,14,31,250/-. According to the petitioner, in terms of his calculation, two times of 12 months average is Rs.3,34,95,086/- and after adjusting the existing deposit of Rs.1,60,15,826/-, the balance additional deposit required to be made is only Rs.1,74,79,260/-. Therefore, according to the petitioner, the demand for additional deposit as made by the second respondent is close to Rs.93,00,000/- required to be deposited.

4. This court perused the rules and also the details provided at page 6 of the affidavit. The factual details of the data provided by the petitioner was not in dispute. Necessarily spreading these facts on the framework of Regulation 5(5)(ii)(a) of the Tamil Nadu Electricity Supply Code, the petitioner's



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calculation has to be accepted. Indeed, by virtue of an interim order, the entire additional deposit payable as per the calculation of the petitioner has also been made.

5. Heard the learned counsel for the respondent. The learned counsel informed that additional deposit would be required annually and whatever deposit that is made will end at the end of the financial year. The demand for additional deposit involved in this case is for the financial year 2020 - 2021. The learned counsel for the respondent submits that for the additional deposit etc. since been made for 2021 - 2022 and the petitioner has complied with and hence nothing survives for consideration in this case.

6. Since the demand is only towards some security deposit and does not involve fastening of liability on the petitioner and inasmuch as whatever that is demanded is only for the financial year 2020 - 2021 and things have moved ahead to the next financial year, nothing needs to be decided in this case. For whatever that has happened subsequently would still be based on the previous 12 months average electricity charges.



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7. For the foregoing reasons, nothing survives for adjudication in this petition.

Accordingly, the same is dismissed. However, there is no order as to costs.

Consequently, the connected miscellaneous petition is closed.

10.07.2023

Asr

To

1.Tamil Nadu Generation Distribution and
Corporation Ltd (TANGEDCO)
144, Anna Salai
Chennai - 600 002

2.Superintending Engineer
Chengalpattu Electricity Distribution Circle
TANGEDCO
No.130, GST Road
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3.The Government Pleader,
High Court, Madras



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N.SESHASAYEE, J.,

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