



W.P(MD)No.5571 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.5571 of 2016

and

W.M.P.(MD) Nos.4991, 4992 & 18164 of 2016

M/s. Aruppukottai Sri Jayavilas Ltd.,

Represented by its Manager V. Ramakrishnan.,

HT SC No.68,

258, Thiruchuli road,

Aruppukottai,

Virudhunagar District.

...Petitioner

Vs.

The Superintending Engineer,

Virudhunagar Electricity Distribution Circle,

Tamil Nadu Generation and Distribution,

Corporation Limited (TANGEDCO),

Virudhunagar.

..Respondent



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the Respondent in his Bill No.68 dated 02.03.2016 in so far as it relates to levy of belated payment of Surcharge of Rs.70,531/- in Serial No.11 as illegal, arbitrary, without the authority of law, forbear the Respondent from insisting a payment of belated payment Surcharge for the Bill No.68 dated 02.03.2016 since the same was issued to the petitioner only on 16.03.2016.

For Petitioner : Mr.S. Karunakar

For Respondent : Mr.S. Deenadhayalan
Standing Counsel

ORDER

The petitioner is a HT consumer has filed this Writ Petition as against the current consumption bill for the month of



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February, 2016 in respect of the belated payment surcharge for the current consumption in the month of January, 2016.

2. The learned counsel for the petitioner submits that the consumption charges for the month of January, 2016 was raised by way of bill No.68 dated 01.02.2016 and this petitioner was expected to pay the amount on or before 07.02.2016. A concession is also available under the Regulations upto a period of 15 days with the belated payment surcharge at the rate of 0.75% per month. This 15 days period was over on 22.02.2016 and on that date, the petitioner has submitted a cheque for the bill amount for January, 2016 together with belated payment surcharge at the rate of 0.75% as per the regulation. The same has also been received by the respondent Board. However, the respondent Board has now demanded belated payment surcharge at the rate of 1.5% per month, considering that the amount has been encashed only after 22.02.2016.



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3. The learned Standing Counsel appearing for the respondent submits that if the petitioner had paid this belated payment surcharge on or before 22.02.2016, he can avail the benefit of belated payment surcharge at the rate of 0.75% per month. However, this petitioner has paid the amount only by way of cheque, which has been collected only subsequent to 22.02.2016 and therefore, it has to be calculated as per the Regulations only at the rate of 1.5% belated payment surcharge and not as 0.75% belated payment surcharge.

4. This Court considered the rival submissions made on either side.

5. The belated payment surcharge if it was paid on or before 22.02.2016, then it has to be paid at the rate of 0.75% belated payment surcharge. The petitioner has also paid this amount by way of cheque. The cheque has also accepted by the respondent Department and therefore, this Writ Petition is liable to be allowed.



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6. Accordingly, this Writ Petition is allowed and the impugned order is set aside. No costs. Consequently, connected miscellaneous petitions are closed.

04.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

RM

To
The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
Tamil Nadu Generation and Distribution,
Corporation Limited (TANGEDCO),
Virudhunagar.



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B.PUGALENDHI, J.

RM

Order made in
W.P(MD)No.5571 of 2016

04.10.2023