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W.P.No.4781 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.03.2024

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.No.4781 of 2021

and

W.M.P.Nos.5401 & 5402 of 2021

Real Link Engineering India Pvt.Ltd.,
No.4, Park Street,
Kattoor,
Coimbatore - 641 009 rep. by
its Managing Director L.Navaneethakrishnan

... Petitioner

vs.

1. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Anna salai, Chennai - 600 002.

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

3. The Tamil Nadu Electricity Regulatory Commission,
rep. by its Secretary,
No.19A, Ruckmini Lakshmi Salai,
Egmore, Chennai - 600 008

..Respondents

Prayer in W.P. : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for Lr.No.SE/PEDC/PLDM/ DFC/AO/Rev/AS/HT/F.D. /2020 dated



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12.02.2021 issued by the 2nd respondent in respect of CC Bill for HT SC No.473 and quash the same as illegal and arbitrary and devoid of merits.

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For Petitioner : Mr.R.Shivakumar

For Respondents : Mr.Jai Venkatesh
Standing Counsel for TANGEDCO

ORDER

This Writ Petition has been filed challenging the order passed by the 2nd respondent in letter dated 12.02.2021 in respect of CC bill for HT SC No.473, whereby the petitioner was directed to pay the CC charges plus BPSC, totaling, a sum of Rs.49,25,028/- on or before 26.02.2021 failing which, the current supply will be disconnected without further notice.

2. The brief facts of the case of the petitioner are as follows:

(i) The petitioner would state that the petitioner Industry is engaged in the manufacture of Valve Castings and providing employment to around 150 persons. The petitioner is having a High Tension service connection to their industry which has been functioning from 18.05.2015 and the service connection is under the jurisdiction of the 2nd respondent. The permitted maximum demand is 1250 KVA. The



petitioner was paying the monthly current consumption charges and other charges regularly to the respondent TANGEDCO from the date of inception.

(ii) During Covid 19 pandemic, the petitioner's industry was forced to shut down its operations from 25.03.2020 onwards and the petitioner company found it difficult to collect their dues in respect of their sales. In order to reduce its financial constraints, the petitioner sent a letter dated 27.07.2020 to the 2nd respondent seeking instalment payment of the outstanding amount in 10 monthly equal instalments. Since there was no response, the petitioner again sent representations dated 20.08.2020 and dated 16.09.2020. Since the respondent did not issue the revised bill, the petitioner filed W.P.No.14588 of 2020 before this Court to permit the petitioner to pay the revised bill for current consumption charge arrears pending from February 2020 to August 2020 in 10 instalments. The said writ petition was allowed by this Court on 12.10.2020.

(iii) Pursuant to the order passed by this Court in W.P.No.14588/2020, the petitioner made representation to the 1st respondent seeking permission to pay the CC total bill in 10 equal monthly instalments. Since the respondent failed to send the revised bill, the petitioner filed contempt petition and this Court passed an interim



order on 30.11.2020 directing restoration of the electricity connection and directed the petitioner to deposit a sum of Rs.10 lakhs which was duly complied with. The petitioner was permitted to pay the balance amount of Rs.10,44,115/- in two instalments and accordingly, the first instalment of Rs.5 lakhs was paid before 25.01.2021. In the meanwhile, the 2nd respondent issued notice on 12.02.2021 making a fresh claim of Rs.49,25,028/- from the petitioner payable before 26.02.2021, failing which, the power connection will be disconnected without any further notice. Hence, the present writ petition.

3. (i) Learned counsel for the petitioner would state that the considering the financial plight of the industries during lock down, the Government of India through the RBI provided moratorium for 6 months with regard to repayment, both on term loan and on interest and provided 10% additional working capital to revive the industries. The Government of Tamilnadu deferred the payment of current consumption charges payable by all the electrical consumers upto August 2020.

(ii) Learned counsel would submit that the petitioner Industry is without power connection from April 2021. The respondent issue fresh notice dated 12.02.2021 by making fresh claim for the same period



between February, 2020 till October 2020. He would state that the petitioner is willing to pay the entire principal amount (CC charges arrears) and on such payment, the respondent may be directed to give service connection immediately. He would further request that the belated payment surcharge may be waived.

4. However, learned Standing Counsel appearing for respondents vehemently opposed for waiver of belated payment surcharge amount. He would state that the total principal amount (CC charges arrears) is Rs.58,27,008/-, after deducting the payment already made by the petitioner. The refundable security deposit is Rs.27,07,580/- and if the security deposit is adjusted, the principal amount arrived at is Rs.31,19,428/-. He would further submit that the Belated Payment Surcharge levied for outstanding CC arrears for the period, February 2020 to October 2020 is Rs.29,79,811/- till date and the same is payable by the petitioner for the outstanding arrears.

5. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent and perused the materials available on record.



6. The petitioner Industry is a manufacturing Unit in which hundreds of workers are employed. Due to Covid-19 lock down, like other industries, the petitioner was also facing financial constraint and the petitioner was unable to pay the consumption charges. The service connection of the petitioner industry was disconnected from 26.04.2021 and till date, the petitioner Industry is not functioning as there is no power supply. Now that the petitioner is ready to pay the entire principal amount (CC charges arrears) as demanded by the respondent. However, the petitioner seeks waiver of the belated payment surcharge amount levied for the outstanding CC arrears for the period February, 2020 to October, 2020. It is relevant to be noted that the refundable security deposit of Rs.27,07,580/- of the petitioner is with the respondent till date.

7. Considering the facts and circumstances of the case and taking note of the fact that the refundable security deposit of Rs.27,07,580/- of the petitioner was with the respondent TANGEDCO, this Court directs the petitioner to deposit the balance principal amount of Rs.31,19,428/- (Rupees Thirty One Lakhs Nineteen Thousand Four Hundred and Twenty Eight only) as mentioned in the counter affidavit. On such deposit being



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made, the respondent TANGEDCO is directed to provide service connection to the petitioner Industry forthwith and the respondents are also directed to consider and waive the belated payment surcharge amount of Rs.29,79,811/-, within a period of six weeks from the date of receipt of a copy of this order.

8. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

26.03.2024

Index :yes/No
Speaking /Non speaking order
vsi

Note: Issue order copy on 01.04.2024

To

1. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Anna salai,
Chennai - 600 002.

2. The Superintending Engineer,
Tamil Nadu Generation and Distribution
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J.NISHA BANU, J.

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