



W.P(MD)No.10156 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.02.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.10156 of 2021

and

W.M.P.(MD)Nos.7874 and 7876 of 2021

M/s.Eveready Spinning Mills Private Limited Unit IV,
HTSC No.05909500347,
Kottaiyur Agaram Village,
Thadicombu Dindigul,
rep,by its Joint Managing Director,
S.Chandrakumar

... Petitioner

Vs.

1.The Superintending Engineer,
TANGEDCO,
Dindigul Electricity Distribution Circle,
Dindigul.

2.The Accounts Officer/Revenue,
Office of the Superintending Engineer,
TANGEDCO,
Dindigul Electricity Distribution Circle,
Dindigul.

3.Tamil Nadu Electricity Regulatory Commission,
4th Floor, SIDCO Corporate Office Building,
Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai – 600 032.
Rep. by its Secretary.

... Respondents



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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 second respondent with reference to the issuance of the impugned CC Bill No.H4500347052111, dated 05.06.2021 and quash the same as illegal, arbitrary and against the provisions contained in Regulation 5(5)(v) of the Tamil Nadu Electricity Supply Code 2004 and consequently, direct the respondents 1 and 2 to adjust the available excess security deposit of Rs.80,76,210/- towards the petitioner's CC bill for May/2021 and in case of any balance of excess security deposit is still available, it can be ordered to be adjusted in the remaining CC bills to be issued for the month of June 2021 onwards till it is fully adjusted, as provided under Regulation 5(5)(v) of the Tamil Nadu Electricity Supply Code 2004.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Mr.S.Deendhayalan, Standing Counsel

ORDER

This Writ Petition has been filed seeking a Writ of Certiorarified Mandamus, to call for the records of the second respondent with reference to the issuance of the impugned CC Bill No.H4500347052111, dated 05.06.2021 and quash the same as illegal, arbitrary and against the provisions contained in Regulation 5(5)(v) of the Tamil Nadu Electricity



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Supply Code 2004 and consequently, direct the respondents 1 and 2 to adjust the available excess security deposit of Rs.80,76,210/- towards the petitioner's CC bill for May/2021 and in case of any balance of excess security deposit is still available, it can be ordered to be adjusted in the remaining CC bills to be issued for the month of June 2021 onwards till it is fully adjusted, as provided under Regulation 5(5)(v) of the Tamil Nadu Electricity Supply Code 2004.

2. It is not in dispute that the first respondent has sent a letter dated 22.04.2021 informing the writ petitioner that on review of adequacy of the security deposit for the period 2021-2022, they have found that the petitioner was having excess deposit to the tune of Rs.2,38,83,763/-.

3. The learned counsel for the petitioner would submit that for the next month, they have deposited amount, but they have issued the bill directing the writ petitioner to pay a sum of Rs.59,07,850/-. Aggrieved by the impugned bill, the present writ petition came to be filed.

4. As rightly pointed out by the learned counsel for the petitioner, as per the amended Regulation 5(5)(V) of the Tamil Nadu Electricity



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Supply Code 2004, the board has an obligation to adjust the available excess security deposit amounts against consumer's current consumption charges and only in case if there is any balance, they are entitled to raise a bill. But in the case on hand, as already pointed out, the first respondent has adjusted an amount to the tune of Rs.1,58,07,553/- out of total refundable excess security deposit.

5. As rightly pointed out by the learned counsel for the petitioner, there was a balance of Rs.80,76,210/- available for the adjustment, but instead of adjusting the same, the impugned bill has been issued.

6. When the matter is taken up for hearing today, the learned counsel for the petitioner as well as the learned counsel for the respondents would submit that the first respondent has adjusted the available balance amount towards subsequent bills for the next two months and as such, nothing survives for further adjudication in this writ petition.



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7. Recording the submission made by the learned counsel on either side, the Writ Petition is dismissed as infructuous. Consequently, connected Miscellaneous Petitions are closed. No costs.

29.02.2024

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

To

- 1.The Superintending Engineer,
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Dindigul Electricity Distribution Circle,
Dindigul.
- 2.The Accounts Officer/Revenue,
Office of the Superintending Engineer,
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K.MURALI SHANKAR, J

das

Order made in
W.P(MD)No.10156 of 2021
and
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Dated : 29.02.2024