



WEB COPY



W.P.No.29589 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.29589 of 2022

and

W.M.P.No.28972 of 2022

ARS Steels and Alloy International P Ltd
Represented by its Deputy Director-Finance, Mr.N.Prabhu Natraj
39-52 EPIPB 1/S SIPCOT INDL, Complex,
Gummidipoondi. ...Petitioner

Vs.

1.TamilNadu Generation and Distribution corporation Ltd
Rep. by its Chairman and Managing Director,
NPKRR Maaligai, 144, Anna Salai, Chennai - 600 002.

2.The Chief Financial Controller,
Tamil Nadu Generation and Distribution Corporation Limited, TANGEDCO,
144, Anna Salai, Chennai - 600 002.

3.The Superintending Engineer,
CEDC/North,
Chennai - 600 002. ..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondents herein to refund the belated payment surcharge of Rs.3,88,066/-(Rupees Three Lakhs Eighty Eight Thousand Sixty Six Only) paid by the Petitioner under protest or to adjust it in the current consumption charges payable by the Petitioner at its



W.P.No.29589 of 20__

HTSC No. 1902.

For Petitioner : M/s.Rahul Balaji
For Respondents : Mr.L.Jai Venkatesh
Standing Counsel (TNEB)

ORDER

The petitioner herein seeks issue of writ of mandamus directing the respondents to refund the belated payment surcharge of Rs.3,88,066/-(Rupees Three Lakhs Eighty Eight Thousand Sixty Six Only) paid by the Petitioner under protest or adjust the same with current consumption charges payable by the Petitioner in respect of the electricity service connection in HTSC No.1902.

2. It is the case of the petitioner that there is a delay of one day in making the payment of current consumption charges in the month of June 2022 and for the said delay, the petitioner has been directed to pay belated payment surcharge of Rs.3,88,066/- and the same is not in accordance with law. Therefore, the petitioner has filed a writ petition seeking direction to respondents to adjust the same with current consumption charges.



3. When the writ petition is taken up for hearing, the learned Standing Counsel (TNEB) for the respondents, by drawing attention of this Court to Regulation 5(4)(c) of Tamil Nadu Electricity Supply Code, 2004, submits that belated payment surcharge shall be 1.5% of the amount payable by the consumer and in cases, where the delay is less than 15 days, fifty percent of the same will be collected as belated payment. It is also stated that total current consumption charges payable by the petitioner is Rs.5,41,20,814/- (Rupees Five Crores Forty One Lakhs Twenty Thousand Eight Hundred and Fourteen Only) and 0.75% of the same is Rs.3,88,066/-. Since the delay is less than 15 days, the petitioner has been directed to pay 0.75% of the belated payment surcharge.

4. In view of the calculation submitted by the learned Standing Counsel (TNEB) explaining the belated payment surcharge levied under Regulation 5(4)(c) of Tamil Nadu Electricity Supply Code, this Court is not inclined to issue any positive direction to the respondents to adjust the said amount with the current consumption charges. Accordingly, the writ petition is dismissed. If the petitioner is aggrieved by the imposition of belated payment, it is always open to him file application before the Consumer Grievance Redressal Forum



W.P.No.29589 of 20__

under Regulation 18 of Tamil Nadu Electricity Supply Code within a period of

30 days from the date of receipt of copy of this order. No costs. Consequently,

the connected miscellaneous petition is closed.

09.01.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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S.SOUNTHAR, J.

4/5



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