(2011) 06 MAD CK 0316

In the Madras High Court

Case No : Writ Petition No. 13097 of 2011 and M.P. No. 1 of 2011

K.K.P. Spinnin Mills — APPELLANT

Vs

The Tamil Nadu Electricity Board — RESPONDENT

Date of Decision : 07-06-2011

Acts Referred:
Tamil Nadu Electricity Supply Code, 2004 — Section 5(5)

Citation : (2011) 06 MAD CK 0316

Hon'ble Judges : R. Sudhakar, J

Bench : Single Bench

Advocate : R.S. Pandiyaraj, for the Appellant; G. Vasudevan, for the Respondent

Judgement

R. Sudhakar, J.—Writ Petition is filed praying to issue a Writ of Mandamus, directing the second Respondent to permit the Petitioner to pay the Additional Security Deposit of Rs. 47,20,409/- alone in 12 equal monthly installments along with the regular current consumption charges.

2. Mr. G. Vasudevan, learned Counsel takes notice on behalf of the Respondents electricity board. By consent of both parties, the writ petition is taken up for final disposal.

3. Petitioner holds an HT Service Connection in Service No. 175. Based on the current consumption, a sum of Rs. 69,72,321/- has been deposited as current consumption deposit. Thereafter, on 6.5.2011, an additional current consumption deposit has been demanded in terms of Section 5(5)(ii)(a) of the Tamil Nadu Electricity Supply Code, based on the current consumption during 12 months period relevant.

4. The grievance of the Petitioner is that the Petitioner HT Industry is facing great crisis due to power cut and they are also suffering from financial liquidity. The additional current consumption deposit demanded as lumpsum payment will cause great hardship and prejudice to the industry and inasmuch as the unit will come to a standstill for want of financial liquidity.

5. Learned Counsel for the Petitioner submitted copies of interim order dated 1.6.2011 passed by this Court in M.P. No. 1 of 2011 in W.P. No. 12970 of 2011 rendered by V. Ramasubramaniam, J., and the final order dated 19.5.2011 passed in W.P. No. 12407 of 2011 rendered by S. Rajeswaran, J., permitting the payment of additional current consumption deposit in installments.

6. Sri G. Vasudevan, learned Counsel appearing for the Respondents electricity board on the other hand contended that 10 installments granted by the Court will not be in the interest of the Respondents board and therefore, in the event of the Court allowing the payment of the additional current consumption deposit in installment, they should be permitted to pay in a lesser installments.

7. The extreme power cut that is faced by the Petitioner HT Industry and other consumers of the State requires appropriate equitable remedy in the event of the difficulty faced by them. The State is going through a huge power cut crises and looking at various sources to augment power and for this they need to be financially sound.

8. The extreme conditions requires extraordinary remedy. This Court finds that the financial difficulty faced by the Petitioner industry as well as the need of the Respondents board to secure further deposit to augment its revenue for purchasing power needs to be balanced so that the grievance of both sides will be addressed equitably. In this view, accepting the Petitioner stand that they are willing to deposit on instalment basis can be considered. The deposit so made by the consumers as per the above stated provision will enable the department to ensure power supply as per the power management scheme.

9. Considering all the above factors, this Court is inclined to grant the Petitioner the relief of paying the additional current consumption deposit as demanded by the Respondents in seven equal monthly installments commencing from 10th June, 2011 (i.e.) on or before the second Friday of every month. Petitioner, however, is liable to pay the monthly current consumption charges regularly without fail. The Respondents board is entitled to proceed as per law if there is a default in payment in installment in any particular month without further reference to this Court.

10. The Writ Petition is disposed of as above. No costs. Consequently, connected miscellaneous petition is closed.

