

(1995) 10 MAD CK 0025
In the Madras High Court
Case No : Writ Petition No. 14324 of 1995

Shri Bodhraj

APPELLANT

Vs

Tamil Nadu Electricity Board and others

RESPONDENT

Date of Decision : 20-10-1995

Acts Referred:

Electricity (Supply) Act, 1948 — Section 49

Citation : AIR 1996 Mad 300 : (1996) 2 CivCC 338

Hon'ble Judges : AR. Lakshmanan, J

Bench : Single Bench

Advocate : Mrs. Nalini Chidambaram for M/s. Silambanan and H. Mohamed Rafi, for the Appellant; C.S. Krishnamoorthy, for the Respondent

Judgement

1. Heard Mrs. Nalini Chidambaram, learned Senior Counsel for the petitioner and Mr. C. S. Krishnamoorthy, learned counsel appearing for the

Tamil Nadu Electricity Board. By consent of both parties, the main writ petition itself is taken up for final hearing.

2. The above writ petition has been filed for the issuance of a writ of mandamas, directing the respondents to accept the payment of additional

security deposit in twelve equal instalments from him for the service connection having Account No. 21,40.282, at Door No. 45/2/A Appasamy

Koil Street, Thiruvottiyur, Madras-19.

3. The petitioner is doing business of manufacturing Ice Slabs which is used for Chemical Industries and also used to preserve sea food. He has set

up the unit at Madras and his factory is a small scale industry. It is stated that he got the electricity service connection in April, 1994. He had paid a

sum of Rs. 20,000/- towards initial security deposit. On 30-6-1995, the third respondent sent a demand letter to the petitioner, wherein the

petitioner was directed to pay an additional security deposit of Rs. 1,06,429/-, which was called for as per Clause 14.06 of the terms and

conditions of the Tamil Nadu Electricity Board. It was further stated in the said letter that the security deposit will be calculated at three times the

average current consumption charges for the preceding 12 months prior to April of that year and it was subject to a minimum of Rs. 18,000/-. The

petitioner was directed to pay the amount within a period of thirty days or in three equal instalments. The petitioner sent a reply on 13-9-1995

stating that he will not be able to remit the additional security deposit in three instalments, due to the reason that the Ice plant has been shut down

for maintenance job and, therefore, he requested the second respondent to permit him to make the payment of additional security deposit in twelve

instalments. On 21-9-1995, the petitioner sent another letter requesting the second respondent to give 12 months instalments for the payment of

the additional security deposit. The third respondent by his reply dated 4-10-1995 intimated the petitioner that the request for payment of the

additional security deposit in twelve instalments is not feasible of compliance and directed him to pay the additional security deposit in three

instalments in due dates and to avoid disconnection of supply. Aggrieved by this order, the petitioner has preferred this writ petition for the relief

stated supra.

4. As per the directions of this Court, Mr. C.S. Krishnamoorthy, learned Standing Counsel for the Tamil Nadu Electricity Board took notice on

behalf of the respondents and contended that the order of the Authorities, directing the petitioner to pay the deposit amount in three equal monthly

instalments is perfectly in order and strictly in accordance with Clause 14.06 of the terms and conditions of the Tamil Nadu Electricity Board and

that therefore, the petitioner cannot be given time to make payment of the additional security deposit in twelve instalments, as requested by him. It

is seen from the affidavit filed in support of the above writ petition that his industry was started recently and that the petitioner has invested huge

sums of money in setting up the Ice factory. The petitioner also had to incur loss due to the closure of the factory unit for undertaking maintenance

job and his factory is a small scale industry and, therefore, he cannot afford to pay huge sums of money by way of security deposit in three monthly

instalments.

5. In the circumstances, taking into consideration the nature of the business carried on by the petitioner and the capacity of the petitioner, and the

other circumstances I direct the petitioner to pay the sum of Rs. 1,06,429/- in six equal Monthly instalments. The first of such instalments shall

commence on 1st November, 1995 and thereupon, on the first day of every succeeding month.

6. This writ petition shall stand disposed of accordingly. No costs.

7. Order accordingly.