

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Twenty Second day of May Two Thousand Nineteen
PRESENT

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The Hon`ble Mrs.Justice R.HEMALATHA

WP (MD) No.12292 of 2019

and

WMP (MD) Nos.9200 and 9201 of 2019

M/S.SRI KADERI AMBAL MILLS LIMITED.,
REP. BY ITS MANAGING DIRECTOR
SV.PETHAPERUMAL

... PETITIONER

Vs

1.THE CHAIRMAN AND MANAGING DIRECTOR,
TAMILNADU GENERATION AND
DISTRIBUTION CORPORATION LIMITED (TANGEDCO),
144, ANNA SALAI, CHENNAI-600 002.

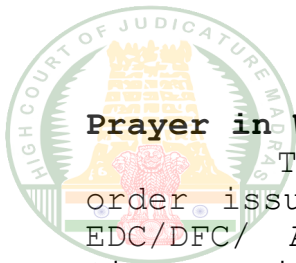
2.THE CHIEF FINANCIAL CONTROLLER REVENUE,
TAMIL NADU GENERATION AND
DISTRIBUTION CORPORATION LIMITED (TANGEDCO),
144, ANNA SALAI, CHENNAI-600 002.

3.THE SUPERINTENDING ENGINEER,
SIVAGANGAI ELECTRICITY DISTRIBUTION CIRCLE,
TAMIL NADU GENERATION AND DISTRIBUTION
CORPORATION LIMITED (TANGEDCO), SIVAGANGAI

4.THE SUPERINTENDING ENGINEER,
TIRUNELVELI ELECTRICITY DISTRIBUTION CIRCLE,
TAMIL NADU GENERATION AND DISTRIBUTION
CORPORATION LIMITED (TANGEDCO),
TIRUNELVELI.

... RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order in Letter No. SE/ Sivagangai EDC/DFC/ AO/REV /AS/D 169 dated 25.04.2019 and Letter No. SE/ Sivagangai EDC/DFC dated 25.04.2019 and consequential proceedings in Letter No. SE/SEDC/ SVGA/DFC/ AO/ REV / HT/ AS/ F.ACCD/ D No.190/19 dated 10.05.2019 issued by the 3rd respondent and QUASH the same as illegal, arbitrary and untenable under Law and consequently direct the Respondents to adjust the ACCD of Rs.1,43,18,546/- from and out of Rs.1,27,81,868/- with interest payable to the petitioner and further permit the petitioner to pay the remaining additional current consumption deposit amount in 6 equal monthly installments.

**Prayer in WMP(MD) . 9200/ 2019 :**

To grant an Interim Stay of the operation of the impugned order issued by the 3rd respondent in Letter No. SE/ Sivagangai EDC/DFC/ AO/REV /AS/D 169 dated 25.04.2019 and Letter No. SE/ Sivagangai EDC/DFC dated 25.04.2019 and consequential proceedings in Letter No. SE/SEDC/ SVGA/DFC/ AO/ REV / HT/ AS/ F.ACCD/ D No.190/19 dated 10.05.2019 pending disposal of the above writ petition and thus render justice.

Prayer in WMP(MD) . 9201/ 2019 :

To grant an Interim Direction not to not to proceed further in pursuance of the proceedings issued in Letter No. SE/ Sivagangai EDC/DFC/ AO/REV /AS/D 169 dated 25.04.2019 and Letter No. SE/ Sivagangai EDC/DFC dated 25.04.2019 and consequential proceedings in Letter No. SE/SEDC/ SVGA/DFC/ AO/ REV / HT/ AS/ F.ACCD/ D No.190/19 dated 10.05.2019 issued by the 3rd respondent pending disposal of the above writ petition and thus render justice.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.N.SUDALAI MUHTU, Advocate for the petitioner and of Mr.S.M.S.JOHNY BASHA, Advocate for R1 to R3 and Mr.KASINATHADURAI, Advocate for R4, the court made the following order:-

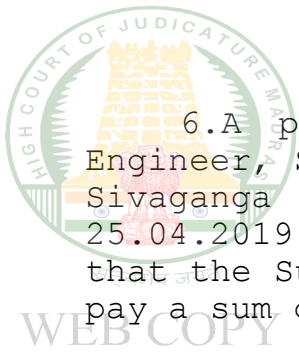
Heard Mr.N.Sudalai Muthu, learned counsel appearing for the writ petitioner and Mr.S.M.S.Johny Basha, learned counsel appearing for the respondents 1 to 3 and Mr.KASINATHADURAI, learned counsel appearing for the fourth respondent.

2.The case of the writ petitioner is that the third respondent vide his letter No.SE/Sivagangai EDC/DFC/AO/REV/AS/D 169, dated 25.04.2019 and Letter No.SE/Sivagangai EDC/DFC dated 25.04.2019 directed payment of Rs.1,43,18,546/- as Additional Current Consumption Deposit (ACCD).

3.Mr.N.Sudalai Muthu, learned counsel appearing for the petitioner would contend that though the respondents have to pay a sum of Rs.74,07,004/- together with interest at the rate of 12% per annum they are asking the petitioner to pay a sum of Rs.1,43,18,546/- as Additional Current Consumption Deposit without deducting a sum of Rs.74,07,004/-.

4.Mr.Kasinathadurai, learned counsel appearing for the fourth respondent contended that the said amount can be adjusted from the principal amount of Rs.1,43,18,546/- and that the second respondent has to take a call on this.

5.Mr.S.M.S.Johny Basha, learned counsel appearing for the respondents 1 to 3 would contend that the papers are still with the third respondent and that a decision would be taken up in this regard. He also prayed for time to file counter.



6.A perusal of the two letters sent by the Superintending Engineer, Sivaganga Electricity Distribution Circle, TANGED Co Ltd., Sivaganga in Lr.No.SE/Sivagangai EDC/DFC/AO/REV/AS/D 169, dated 25.04.2019 and Lr.No.SE/Sivagangai/EDC/DFC, dated 25.04.2019, shows that the Superintending Engineer had directed the writ petitioner to pay a sum of Rs.67,62,910/- and Rs.75,55,636/- in one lump sum.

7.In view of the submissions made by the learned counsel appearing for the respondents and in view of the fact that the writ petitioner has to run his factory, there shall be an order of interim injunction till 10.06.2019. The second respondent is directed to consider the representation made by the writ petitioner.

8.Post on 10.06.2019 for filing counter.

sd/-
22/05/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.THE CHAIRMAN AND MANAGING DIRECTOR,
TAMILNADU GENERATION AND
DISTRIBUTION CORPORATION LIMITED (TANGEDCO),
144, ANNA SALAI, CHENNAI-600 002.
- 2.THE CHIEF FINANCIAL CONTROLLER REVENUE,
TAMIL NADU GENERATION AND
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- 3.THE SUPERINTENDING ENGINEER,
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TAMIL NADU GENERATION AND DISTRIBUTION
CORPORATION LIMITED (TANGEDCO), SIVAGANGAI
- 4.THE SUPERINTENDING ENGINEER,
TIRUNELVELI ELECTRICITY DISTRIBUTION CIRCLE,
TAMIL NADU GENERATION AND DISTRIBUTION
CORPORATION LIMITED (TANGEDCO), TIRUNELVELI.

- +1. C.C. to Mr.N.SUDALAI MUHTU Advocate SR.No.8743
+1. C.C. to Mr.G.KASINATHADURAI Advocate SR.No.8742

ORDER IN
WP(MD) No.12292 of 2019 and
WMP(MD)Nos.9200 and 9201 of 2019
Date :22/05/2019

TK/PN/SAR-4/04.06.2019/3P/7C