

M/S. Hindustan Zinc Ltd. and Others

Vs

Andhra Pradesh State Electricity Board (For Directions)

I.A. Nos. 1 and 2 in Civil Appeal Nos. 2569-70 of 1985

(M. N. Venkatachaliah, J. S. Verma, N. D. Ojha JJ)

09.05. 1991

ORDER

1. By these applications the appellants seek directions of this Court to enable them to pay in reasonable instalments the arrears of electricity charges that became recoverable by the respondent-Board pursuant to the judgment dismissing appellants' appeals. Appellants submit that the quantum of the arrears runs into crores of rupees and that appellants' industries would virtually be exposed by the crippling liability to closure. Appellants say that if some breathing time is allowed, it would, while enabling the State Electricity Board to recover all its legitimate dues, also enable the appellants to survive.

2. We are afraid these are matters essentially for the Electricity Board to decide taking into account the particularities of the circumstances and hardships of each individual case. It is also necessary for the appellants to realise that the Electricity Board has itself borrowed money on high rates of compound interest and that if appellants withhold payment of electricity charges the functions of the Board itself would become difficult.

3. After considering the matter we suggested to the learned counsel on both sides that the appellants should within 30 days from today tender to the Board 50 per cent of the amount due under the subsisting bank-guarantees and make appropriate representations to the Board setting out the special financial circumstances of their undertakings which justify grant of time. The Board, we are sure, will take an appropriate decision having regard to all the relevant circumstances.

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