

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2020

CORAM

THE HONOURABLE Mr.JUSTICE R.SUBBIAH
AND
THE HONOURABLE Mr.JUSTICE KRISHNAN RAMASAMY

W.P.Nos.7573 of 2020
and 7455 of 2020

C.Rajashekaran
D Dakshina Murthy

..Petitioner in WP.No.7573/2020
..Petitioner in WP.No.7455/2020

Versus

1.The State of Tamil Nadu
rep.by its Chief Secretary Secretariat,
Government of Tamil Nadu Fort St George,
Chennai 600 009.

2.The Secretary to Government,
Energy Department,
Secretariat,
Government of Tamil Nadu
Fort St George,
Chennai 600 009.

3.Chairman-cum-Managing Director
TANGEDCO, 10th Floor,
NPKRR Maaligai, 144,
Anna Salai Chennai 600 002.

.. Respondents in
WP.No.7573/2020

1.The Chief Secretary,
Government of Tamil Nadu,
Fort St. George, Chennai - 9.

2.The Secretary,
Ministry of Energy,
Government of Tamil Nadu,
Fort St George, Chennai-9.

3.Chairman-cum-Managing Director,
TANGEDCO, Anna Salai, Chennai.

..Respondents in
WP.No.7455/2020

Prayer in WP.No.7573/2020:- Writ petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of certiorarified mandamus calling for the records pertaining to the Memo No.CFC/Rev/FC/Rev.DFC/Rev/F.EOT/D.235/2020 dated 13.04.2020 passed by the 3 rd respondent and to quash the same and to direct the respondents to defer the payment upto 31st July 2020 towards electricity charges from the month of March 2020 onwards with respect to Low Tension [LT] - Domestic Consumers, Huts, Agriculturist, Micro, Small and Medium Enterprises [MSMEs] in the State of Tamilnadu.

Prayer in WP.No.7455/2020:- Writ petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of mandamus directing the respondents to provide three months grace time to the consumers to pay March 2020 electricity reading bill to July 2020 and April 2020, electricity reading bills to August 2020 and May 2020 electricity reading bill to September 2020 and further direction to respondents not to collect any fine or penalty or even made payment after expiration of last date or due date or no additional charges to be collected from the public apart from current consumption charges used for the people of Tamil Nadu.

For Petitioner in WP.No.7573/2020 : Ms.Y.Kavitha
WP.No.7455/2020 : Mr.G.Dakshina Murthy
Party-in-person.

For R1&R2 in both WPs : Mr.P.H.Aravindh Pandiyan,
Addl. Advocate General
assisted by Mr.V.Jayaprakash Narayan, GP

For R3 in both Wps : Mr.P.H.Aravindh Pandiyan,
Addl. Advocate General
assisted by Mr.N.Damodharan

सत्यमेव जयते
O R D E R

[The Order of the Court was made by R.Subbiah, J.]

Writ Petition No.7573 of 2020 has been filed challenging Memo No.CFC/Rev/FC/Rev.DFC/Rev/F.EOT/D.235/2020 dated 13.04.2020 of the TANGEDCO and to direct the respondents to defer the payment upto 31st July 2020 towards electricity charges from the month of March 2020 onwards with respect to Low Tension [LT] - Domestic Consumers, Huts, Agriculturist, Micro, Small and Medium Enterprises [MSMEs] in the State of Tamilnadu.

Writ Petition No.7455 of 2020 has been filed seeking direction to the respondents to provide three months grace time to the consumers to pay March 2020 electricity reading bill to

July 2020 and April 2020, electricity reading bills to August 2020 and May 2020 electricity reading bill to September 2020 and further direction to respondents not to collect any fine or penalty or even made payment after expiration of last date or due date or no additional charges to be collected from the public apart from current consumption charges used for the people of Tamil Nadu.

2. Though very many contentions have been raised in both WPs, the prayer sought by the counsel for the petitioner in Writ Petition No.7573 of 2020 and the petitioner in WP.No.7455 of 2020 is only for a direction to defer the payment of Electricity Bill on account of Covid-19.

3.The learned Additional Advocate General opposed the prayer sought in both WPs. Today, when the matter is taken up through Video Conferencing, learned Additional Advocate General, appearing for TANGEDCO filed his submissions reporting that in respect of bill months of March 2020 payable in April 2020, 93.75% consumers made payment and only 6.25% are yet to make payment; insofar as bill months of April 2020 payable in May 2020, 90.5% consumers made payment and only 9.5% consumers are yet to make payment and in respect of bill months of May 2020 payable in June 2020, 86.38% consumers made payment and only 13.62% are yet to make payment. In this regard, the learned Additional Advocate General has also filed detailed report and relevant paragraph of the said report is as under:

....." In respect of LT Consumers located in other districts, though public transport was resumed from 01.06.2020, TANGEDCO consciously recognising the fact that in the absence of extension of due date in these Districts, people would rush to the collection counters of TANGEDCO to make payment of their Electricity bills which would jeopardize the social distancing which in turn would result in spreading of corona virus, announced that in respect of the LT & LTCT consumers located in the districts of Tamil Nadu other than Chennai, Kancipuram, Tiruvallur & Chengalpattu whose due dates fall between 25.03.2020 to 14.06.2020 shall be granted upto 15.06.2020, without levy of BPSC and DC-RC fees.

- It is to be stated for the bill months of March 2020 payable in April 2020 out of 1,35,13,545 LT Consumers 8,45,762 LT Consumers (6.25%) are yet to make payment and the balance amount receivable of Rs.343.37 crores.

- Similarly, for the bill months of April 2020 payable in May 2020 out of 1,35,74,062 LT Consumers only 12,94,904 LT Consumers (9.5%) are yet to make payment of Rs.287.94 crores.
- Further, for the bill months of May 2020 payable in June 2020 out of 1,35,31,276 LT Consumers only 18,44,128 LT Consumers (13.62%) are yet to make payment of Rs.478.36 crores. Therefore, major portion of the LT Consumers have availed the benefit of time extension already and they have also been remitting the Current Consumption bills to TANGEDCO.

5. It is to be noted that TANGEDCO has been maintaining and operating its distribution system throughout the State 24X7 despite lockdown and ensuring power supply to the departments/sectors fighting the pandemic. TANGEDCO is incurring fixed costs and other expenditure on salary of employees despite the delay in cash flows on account of extension of time. TANGEDCO has already extended time for payment of CC Charges by almost 80 days for those located other than in zone 7 & 8 and by about 110 days for those in zone 7 and 8. "

4. Learned Additional Advocate General however submitted that insofar as the areas where period of lockdown is extended and announcement is made to that effect, they will not initiate any coercive steps against the consumers. The above submission is recorded.

5. In view of the above discussion, we are not inclined to entertain the prayer made by the Petitioners. Accordingly, the Writ Petitions are dismissed. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS III)MDU

//True Copy//

Sub Assistant Registrar

nvsri

To

1.The Chief Secretary Secretariat,
Government of Tamil Nadu Fort St George,
Chennai 600 009.

2.The Secretary to Government,
Energy Department,
Secretariat,
Government of Tamil Nadu
Fort St George,
Chennai 600 009.

3.Chairman-cum-Managing Director
TANGEDCO, 10th Floor,
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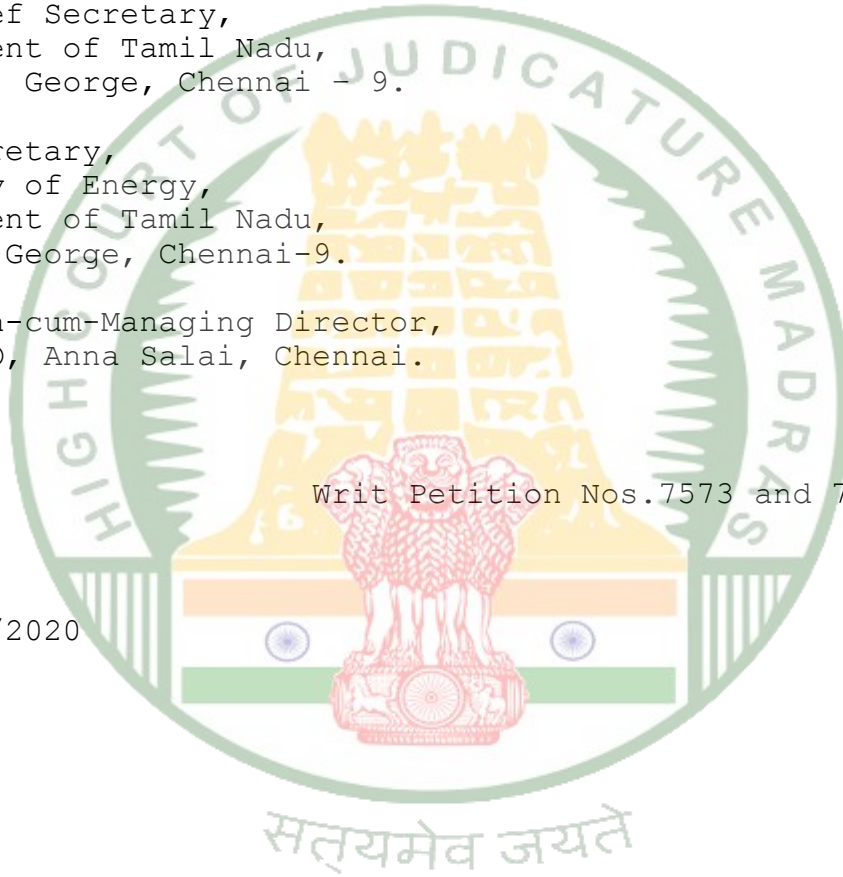
4.The Chief Secretary,
Government of Tamil Nadu,
Fort St. George, Chennai - 9.

5.The Secretary,
Ministry of Energy,
Government of Tamil Nadu,
Fort St George, Chennai-9.

6.Chairman-cum-Managing Director,
TANGEDCO, Anna Salai, Chennai.

Writ Petition Nos.7573 and 7455 of 2020

AD(CO)
KKV/07/10/2020



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