



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2020

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P(MD).No.8595 of 2020

and W.M.P.(MD).Nos.7963 &7966 of 2020

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Theatre Maris Private Limited
represented by its Managing Director,
R.Vijayakumar,
Old T.S.No.8, New T.S.No.23/2,
Fort Station Road,
Thiruchirappalli - 620 002.

.. Petitioner

Vs.

1.Tamil Nadu Generation and
Distribution Corporation Limited (TANGEDCO)
represented by its Chairman and
Managing Director,
No.144, Anna Salai,
Chennai - 600 002.

2.The Assistant Accounts Officer/HT,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
Mannarpuram Main Road,
Tiruchirappalli - 620 020.

3.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
Mannarpuram Main Road,
Tiruchirappalli - 620 020.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records leading to the issuance of the impugned High Tension Bills (Provisional) issued by the 2nd respondent for the month of April 2020 (Bill 9094420255052001 dated 04.05.2020) and for the month of May 2020 and (Bill No. 9094420255062001 dated 03.06.2020) pertaining to Service No.069094420255 in violation of Regulation 6 (b) of the Tamil Nadu Electricity Supply Code, 2004 and quash the same and direct the respondents to raise the monthly Bill calculating the Maximum Demand Charges at the rate of 20% as per 6 (b) of the Tamil Nadu Electricity Supply Code, 2004 till the extended period of Lock Down, by the Government of Tamil Nadu and not to levy Power Factor penalty till the Lock Down is lifted and operation of cinema theatre commences in so far the petitioner is concerned.



For Petitioner : Mr.S.Prem Auxilian Raj
For Respondents : Mrs.S.Srimathy
Special Government Pleader

ORDER

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Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the respondents.

2.It is not in dispute that the case on hand is covered by the order dated 14.08.2020 in W.P.No.7678 of 2020 etc. batch. In the said decision, the following directions were issued.

"The above discussion leads this Court to the only conclusion that the maximum demand charges and the compensation charges levied by TANGEDCO against the petitioners who are HT consumers, is illegal, unsustainable and in violation of the statutory regulations. Accordingly, the Maximum Demand Charges and the compensation towards low PF that have been questioned in the impugned bills raised by the TANGEDCO for each of the consumers who are parties in these batch of writ petitions, is hereby quashed. The following directions are also issued by this Court:

a) TANGEDCO shall issue a revised bill to the petitioners by applying Regulation 6(b) of the Supply Code for the entire period when the establishment was under shut down;

b) If TANGEDCO has already recovered the entire dues from any of the petitioners, the bill shall be reworked in accordance with the direction given in Clause (a) and the excess amount shall be adjusted towards the future bills;

c) If the demand made by TANGEDCO has been adjusted from the security deposit and any of the petitioner has been asked to pay any amount towards additional security deposit on that count, the said claim shall be withdrawn forthwith and the calculation of the additional security deposit shall be independently done under Regulation 5 of the Supply Code and demand/ adjustment shall be done in accordance with the said Regulation;

d) The TANGEDCO shall not levy compensation charges towards low PF from the petitioners during the period of lockdown. Even if such levy is made in future, show cause notice shall be issued to the consumer and an opportunity shall be given to the consumer before levying any compensation under Clause 6.1.1.6 of the Tariff Regulation;



e) If any amount has already been recovered towards levy of compensation charges for low PF from any of the petitioners, the said amount shall be adjusted towards future bills;

f) These directions will apply only for the period during which the establishment was under total lockdown due to the orders issued by the Government and it is made clear that it pertains only to the Minimum Charges payable under Regulation 6(b) of the Supply Code and there is no exemption or concession insofar as the charges payable for the actual consumption of electricity (Energy Charges); and

g) If any of the establishments continue to be under lockdown due to the Government Orders passed in this regard, the minimum charges alone shall be collected till the lifting of the lockdown.

3. Accordingly, this writ petition is also allowed on the same terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. Tamil Nadu Generation and
Distribution Corporation Limited (TANGEDCO)
represented by its Chairman and
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No.144, Anna Salai,
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