



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.11189 of 2020

and

W.M.P. (MD)No.9767 of 2020

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M/s.Vishaal De Mal Shop,
Owners Association,
"Vishal De Mal",
No.31, Gokale Road,
Chinnachokikulam,
Madurai - 625 002,
Rep. by its Manager,
by name Murugesan.

... Petitioner

Vs.

1. The Chairman Cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGEDCO),
144, Anna Salai,
Chennai - 600 002.
2. The Superintending Engineer,
(TANGEDCO),
Madurai Metro North,
K.Pudur, Madurai.
3. The Deputy Finance Controller,
(TANGEDCO),
Madurai Metro North,
K.Pudur, Madurai.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein or their subordinates to withdraw the 90% of maximum demand charges for the month of March, 2020 to August, 2020 for the members of the petitioner's association and assess the same at maximum demand at 20% and also raise the monthly bills to calculating the maximum demand charges at the rate of 20% for the month of March, 2020 to August, 2020 and to refund the excess amount already collected from the members of the petitioner's association for the month of March, 2020 to July, 2020 and to adjust the same in the future current consumption charges, if even after such adjustment against future current consumption charges for two assessment periods then is still a balance to be refunded by cheque and not to levy power factory penalty during lock down period March, 2020 to August, 2020 based on the petitioner's association representation dated 18.08.2020.



For Petitioner : Mrs.A.S.Rajeswari.
For Respondents : Mrs.S.Srimathy
For Mr.S.M.S.Johnny Basha

O R D E R

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Heard the learned counsel on either side.

2.The petitioner is an association of shop owners. The case of the petitioner is that contrary to the statutory regulations, the respondents have collected 90% of the maximum demand charges for the period from March, 2020 to August, 2020. The petitioner states that during these period, the petitioner's mall was under total lock down. The petitioner's counsel draws my attention to the order dated 14.08.2020 passed in W.P.No.7668 of 2020, etc., batch on the file of the Principal Seat of this Court. It cannot be in dispute that the case on hand is covered by the said order. But then, the learned standing counsel would submit that it is proposed to challenge the said order by filing a writ appeal. But the fact remains that as on date, the aforesaid order passed by the Hon'ble Principal Seat has not been stayed or set aside. The petitioner cannot be denied the benefit of the said order. Since the petitioner have paid in excess, the respondents have to necessarily adjust the payments already made towards the future liability of the petitioner. Of course, this adjustment would be subject to any order that may be passed in the writ appeals which are proposed to be filed by the respondents questioning the common order dated 14.08.2020.

3.With this direction, the writ petition is allowed on the same lines. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

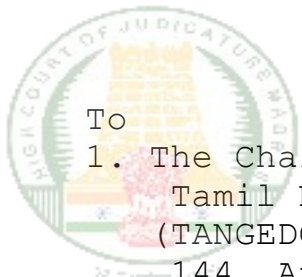
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Sub Assistant Registrar(CS)

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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. The Chairman Cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGEDCO),
144, Anna Salai,
Chennai - 600 002.

2. The Deputy Finance Controller,
(TANGEDCO),
Madurai Metro North,
K.Pudur, Madurai.

+1 CC to M/s.A.S.RAJESWARI, Advocate (SR-16415[F] dated
09/09/2020)

W.P. (MD)No.11189 of 2020
08.09.2020

 KM (16.09.2020) 3P 4C