



9094420048082001) dated 03.08.2020 pertaining to Service No.069094420048 and quash the same as illegal and consequently direct the respondents to raise the monthly bill calculating the maximum demand charges at the rate of 20% as per 6(b) of the Tamilnadu Electricity Supply Code, 2004, till the extended period of lock down by the Government of Tamilnadu and not to levy Power Factor Penalty till the lock down is lifted and operation of Cinema Theatre commences in so far as the petitioner is concerned.

For Petitioner : Mr.N.S.Ponnaiah

For Respondents : Mrs.S.Srimathy
Special Government Pleader

O R D E R

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

2.The petitioner is a Theatre. They contend that due to lock down restrictions, the theatre could not be run. But then, the respondents have directed the petitioner to pay the maximum demand charges. The learned counsel for the petitioner states that as per Regulation 6(b) of Tamil Nadu Electricity Supply Code, the respondents can ask for demand charges only at the rate of 20%. The petitioner also states that the respondent should not demand and collect compensation charges for Low Power Factor. In fact two issues have been combined by the writ petitioner herein. As regards the payment of demand charges, the Hon'ble Principal Seat of the Madras High Court decided the issue vide order dated 14.08.2020 in W.P.No.7678 of 2020 etc. batch. It was held in that said decision as under:

"45.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 establishment 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."

The petitioner shall be treated on the same lines as indicated above.

3.As regards the demand and collection of compensation charges for Low Power Factor, the respondents are restrained from doing so, in view of the orders passed by the Hon'ble Principal Seat of Madras High Court.

4.The learned Standing Counsel for the respondent states that appeals have been filed questioning both the orders. The writ petitioner ofcourse has to abide by the outcome of the writ appeals. Till then, the petitioner herein will be treated on the same lines as that of similarly placed consumers who have obtained



5. Accordingly, this writ petition stands disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-III)

// 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. Tamilnadu Generation and
Distribution Corporation Ltd (TANGEDCO)
represented by its Chairman,
Managing Director,
No.144, Anna Salai,
Chennai - 600 002.

2. The Accounts Officer / HT,
Tamilnadu Generation and
Distribution Corporation Ltd (TANGEDCO)
Mannarpuram Main Road,
Tiruchirappalli - 620 020.

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

W.P. (MD) No. 11335 of 2020

10.09.2020

sj (CO)

TR(17.09.2020) 4P 4C