



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)Nos.14587 to 14591 of 2020

and

W.M.P (MD)Nos.12232, 12234 to 12242 of 2020

W.P. (MD)No.14587 of 2020

M/s.Shri Govindaraja Textiles (P) Ltd.,
represented by its Authorised Signatory S.Sankar Ganesh,
HTSC No.079094620097,
Melakandamangalam,
Tamilpadi (PO) - 626129,
Aruppukottai. ... Petitioner

Vs

1. The Chairman
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai, Chennai - 600 002.
2. The Chief Financial Controller - Revenue,
TANGEDCO,
7th floor, 144 Anna Salai,
Chennai - 600 002
3. The Superintending Engineer
Virudhunagar Electricity Distribution Circle,
TANGEDCO,
Virudhunagar. ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records leading to the issuance of impugned High Tension Bill (Provisional) issued by the third respondent for the month of April 2020 (Bill 9094620097052002 dated 08.05.2020) pertaining to Service No.079094620097 and quash the same as arbitrary, illegal and in violation Regulation 6(b) of the Tamil Nadu Electricity Supply Code, 2004, 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.



W.P. (MD)No.14588 of 2020

M/s.Shri Govindaraja Textiles (P) Ltd., Plant 4,
represented by its Authorised Signatory S.Sankar Ganesh,
HTSC No.079094620194,
Melakandamangalam,
Tamilpadi (PO) - 626129,
Aruppukottai. ... Petitioner

Vs

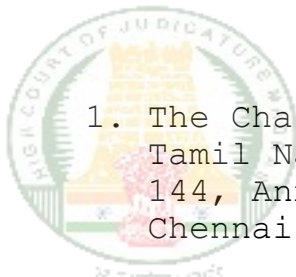
1. The Chairman
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai,
Chennai - 600 002.
2. The Chief Financial Controller - Revenue,
TANGEDCO,
7th floor, 144 Anna Salai,
Chennai - 600 002.
3. The Superintending Engineer
Virudhunagar Electricity Distribution Circle,
TANGEDCO,
Virudhunagar. ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records leading to the issuance of impugned High Tension Bill (Provisional) issued by the third respondent for the month of April 2020 (Bill 9094620194052001 dated 06.05.2020) pertaining to Service No.079094620194 and quash the same as arbitrary, illegal and in violation Regulation 6(b) of the Tamil Nadu Electricity Supply Code, 2004, 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.

W.P. (MD)No.14589 of 2020

M/s.Shri Govindaraja Textiles (P) Ltd., Plant 7,
represented by its Authorised Signatory S.Sankar Ganesh,
HTSC No.079094620182,
Melakandamangalam,
Tamilpadi (PO) - 626129,
Aruppukottai. ... Petitioner

Vs



1. The Chairman
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai,
Chennai - 600 002.
2. The Chief Financial Controller - Revenue,
TANGEDCO,
7th floor, 144 Anna Salai,
Chennai - 600 002
3. The Superintending Engineer
Virudhunagar Electricity Distribution Circle,
TANGEDCO,
Virudhunagar.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records leading to the issuance of impugned High Tension Bill (Provisional) issued by the third respondent for the month of April 2020 (Bill 9094620182052001 dated 06.05.2020) pertaining to Service No.079094620182 and quash the same as arbitrary, illegal and in violation Regulation 6(b) of the Tamil Nadu Electricity Supply Code, 2004, 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.

W.P. (MD)No.14590 of 2020

1. M/s.Shri Ramalinga Textiles (Firm),
represented by its Authorised Signatory S.Sankar Ganesh,
HTSC No.0790946200122,
1, Sayalkudi Road, Savvasapuram,
Aruppukottai.

... Petitioner

Vs

1. The Chairman
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai,
Chennai - 600 002.
2. The Chief Financial Controller - Revenue,
TANGEDCO,
7th floor, 144 Anna Salai,
Chennai - 600 002



3. The Superintending Engineer
Virudhunagar Electricity Distribution Circle,
TANGEDCO,
Virudhunagar.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records leading to the issuance of impugned High Tension Bill (Provisional) issued by the third respondent for the month of April 2020 (Bill 9094620122052001 dated 06.05.2020) pertaining to Service No.079094620122 and quash the same as arbitrary, illegal and in violation Regulation 6(b) of the Tamil Nadu Electricity Supply Code, 2004, 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.

W.P. (MD)No.14591 of 2020

M/s.Shri Govindaraja Textiles (P) Ltd., Plant 10,
represented by its Authorised Signatory S.Sankar Ganesh,
HTSC No.0790946200226,
Melakandamangalam,
Tamilpadi (PO) - 626129,
Aruppukottai.

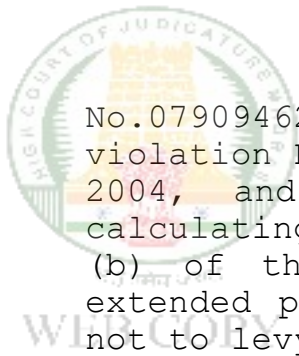
... Petitioner

Vs

1. The Chairman
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai,
Chennai - 600 002.
2. The Chief Financial Controller - Revenue,
TANGEDCO,
7th floor, 144 Anna Salai,
Chennai - 600 002
3. The Superintending Engineer
Virudhunagar Electricity Distribution Circle,
TANGEDCO,
Virudhunagar.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records leading to the issuance of impugned High Tension Bill (Provisional) issued by the third respondent for the month of April 2020 (Bill 9094620226052001 dated 06.05.2020) pertaining to Service



No.079094620226 and quash the same as arbitrary, illegal and in violation Regulation 6(b) of the Tamil Nadu Electricity Supply Code, 2004, 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.

In all writ petitions

For Petitioners : Mr.N.Sudalaimuthu

For Respondents : Mrs.Rajeswari,
for Mr.S.M.S.Johnny Basha,
Standing Counsel

COMMON ORDER

Heard Mr.N.Sudalaimuthu, learned counsel appearing for the writ petitioners and Mrs.Rajeswari, learned counsel appearing for the respondents

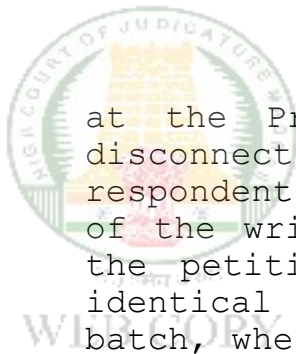
2. By consent of both sides, these writ petitions are taken up for final disposal at the admission stage itself.

3.The issue involved in these writ petitions were the subject matter of batch of writ petitions before the Principal Seat of this Court in W.P.Nos.7678 of 2020 batch. By common order, dated 14.08.2020, in the aforesaid batch of writ petitions, the learned Single Judge at the Principal Seat of this Court has passed a final order, allowing the said writ petitions.

4. In accordance with the said common order, some of the petitioners in the said batch of writ petitions have also made payment to the respondents. The respondents also received the payment without prejudice to their rights and contentions. As seen from the proceedings of the respondents dated 07.10.2020, signed by the Chief Financial Controller - Revenue, the second respondent herein, the writ appeals have also been preferred, aggrieved by the common order, dated 14.08.2020, passed by the learned Single Judge at the Principal Seat of this Court.

5. According to the petitioners, despite the common order, dated 14.08.2020, passed in the batch of writ petitions, the third respondent issued the impugned disconnection notice, dated 13.10.2020, on the petitioners, since the petitioners were not a party to the common order, dated 14.08.2020, passed in the batch of writ petitions, involving the similar issue.

6. The learned counsel for the petitioners drew the attention of this Court, to the common order, dated 14.08.2020, passed in W.P.Nos.7678 of 2020 batch, by the learned Single Judge



at the Principal Seat of this Court as well as the impugned disconnection notice, dated 13.10.2020, issued by the third respondent. This Court has perused the affidavit filed in support of the writ petitions and as submitted by the learned counsel for the petitioners, the issue involved in these writ petitions are identical to the issue, which is involved in WP.Nos.7678 of 2020 batch, wherein, final orders were passed by the learned Single Judge at the Principal Seat of this Court, on 14.08.2020, allowing the batch of writ petitions. Therefore, this Court is of the considered view that the petitioners should also have the benefit of the similar order as passed by the learned Single Judge at the Principal Seat of this Court, on 14.08.2020.

7. Accordingly, the impugned orders are hereby quashed and the writ petitions are allowed. Since, the writ petitions are allowed, the petitioners are directed to pay the Current Consumption charges after deducting 80% demand charges and low power factor surcharges relating to the petitioners' bill raised for the bill months from 04/2020 onwards (i.e. for the complete lock down period) within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

// 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. The Chairman
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai, Chennai - 600 002.
2. The Chief Financial Controller - Revenue,
TANGEDCO,
7th floor, 144 Anna Salai,
Chennai - 600 002.



3. The Superintending Engineer
Virudhunagar Electricity Distribution Circle,
TANGEDCO, Virudhunagar.

WEB COPY

+5CCs to Mr.N.SUDALAIMUTHU, Advocate SR.Nos.20284 to 20288.

W.P. (MD)Nos.14587 to 14591 of 2020
15.10.2020

KMV (CO)
CS (23.10.2020) 7P 9C