



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.14754 of 2020

and

W.M.P (MD)Nos.12414 & 12416 of 2020

WEB COPY

R.V. Ice Plant,
Rep. by its Proprietor,
Arulraja,
Having its Office at
C77/B2, SIPCOT Industrial Complex,
Meelavittan,
Tuticorin District.

... Petitioner

Vs

- 1.The Chairman Cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO)
Formerly known as TNEB,
N.P.K.R.R. Maaligai,
144, Anna Salai,
Chennai - 600 002.
- 2.The Chief Financial Controller (Revenue),
No.144 Anna Salai,
Chennai - 600 002
- 3.The Superintending Engineer
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO)
Formerly known as TNEB
Tuticorin Electricity Distribution Circle,
Tuticorin District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the issuance of the impugned High Tension C.C Charges (Current Consumption Charges) for the month of June to August 2020 claiming through impugned letter in Lr.No.SE/TEDC/DFC/AO/Rev/AAO/HT/A1/FTAC/D.No.357/20 dated 13.10.2020 issued by the third respondent pertaining to Service connection HTSC No.274 R.V.Ice Plant and quash the same in so far as collection of CC charges and directing the respondent to raise the monthly Bill calculating the maximum Current Consumption charges at the rate of 20% as per 6(b) of the Tamil Nadu Electricity Supply Code, 2004,

<https://hcservices.ecourts.gov.in/hcservices/>



from June 2020 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.

For Petitioner : Mr.S.Sadeskumar

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

ORDER

Heard Mr.S.Sadeskumar, learned counsel appearing for the writ petitioner and Mrs.Rajeswari, learned counsel appearing for the respondents

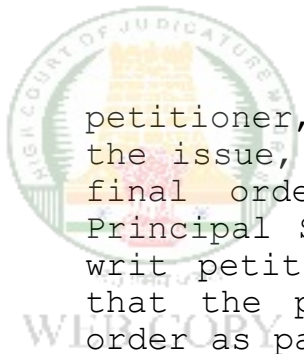
2. By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

3.The issue involved in the writ petition is 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 petitioner, 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 petitioner, since the petitioner is 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 petitioner 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 petition and as submitted by the learned counsel for the



petitioner, the issue involved in the writ petition is 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 petitioner 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 order is hereby quashed and the writ petition is allowed. Since, the writ petition is allowed, the petitioner is directed to pay the Current Consumption charges after deducting 80% demand charges and low power factor surcharges relating to the petitioner's bill raised for the bill months from June 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 (CS-III)

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/ /2020

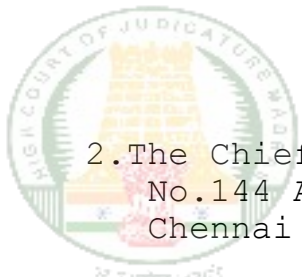
Sub Assistant Registrar(CS)

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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

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W.P. (MD) No.14754 of 2020

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DKS (CO)

NR (02/11/2020) 4P : 4C