



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)Nos.15292, 15294, 15297, 15299, 15305, 15306, 15313, 15319

and 15321 of 2020

and

W.M.P(MD)Nos.12852, 12855 to 12857, 12859, 12860, 12862, 12863,
12867 to 12870, 12874 to 12879 of 2020

WEB COPY

W.P. (MD)No.15292 of 2020:

M/s.Sree Murugan Paper Mills P Ltd.,

Now known as

M/s Sri Satya Sai Paper and Board Mills Pvt Ltd.,

Represented by its Authorized

Signatory M.Samayakaruppasamy,

HTSC No.079094620187,

Lakshmipuram Road, Amattur,

Virudhunagar District.

... Petitioner

Vs

1.The Chairman

Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai, Chennai - 600 002.

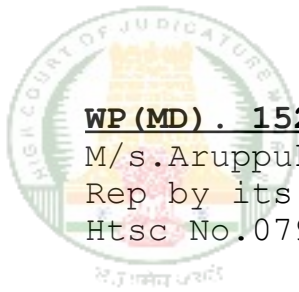
2.The Chief Financial Controller - Revenue,
TANGEDCO, 7th floor, 144 Anna Salai,
Chennai - 600 002

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

... Respondents

PRAYER in W.P. (MD)No.15292 of 2020:

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 Bills (Provisional) issued by the third respondent for the month of April 2020 (Bill 9094620187052001 dated 04.05.2020) pertaining to Service No.079094620187 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 Regulation 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.



WP(MD). 15294 of 2020 :

M/s.Aruppukottai Shri Ramalinga Spinners (P) Ltd.,
Rep by its Whole Time Director M/s.D.Kothai,
Htsc No.079094620199, 212 Ramasamy Nagar, Aruppukottai

... Petitioner

- Vs. -

1. The Chairman Tamilnadu Generation and Distribution
Corporation Ltd., 144 Anna Salai, Chennai-002

2. The Chief Financial Controller Revenue,
TANGEDCO, 7th Floor, 144 Anna Salai, Chennai-002

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

... Respondents

Prayer in WP(MD). 15294 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records leading to the issuance of impugned High Tension Bills (Provisional) issued by the 3rd respondent for the month of April 2020 (Bill 9094620199052003 dt.12.5.2020) pertaining to service No.079094620199 pertaining to service No.079094620259 and quash the same as arbitrary, illegal and in violation Regulation 6(b) of the Tamilnadu Electricity Supply Code 2004 and direct the respondents to raise the monthly bill calculating the Maximum Demand charges at the rate of 20 percent as per Regulation 6(b) of 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.

WP(MD). 15297 of 2020 :

M/s.Sri Pathi Paper and Boards Pvt Ltd.,
Rep by its Authorized Signatory M.Samayakaruppasamy, Htsc
No.079094620210, Sukkiravaripatti, Anaikuttam, Sivakasi-626 130

... Petitioner

- Vs. -

1. The Chairman
Tamilnadu Generation and Distribution
Corporation Ltd., 144 Anna Salai, Chennai-002

2. The Chief Financial Controller Revenue,, TANGEDCO, 7th Floor, 144
Anna Salai, Chennai-002

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

... Respondents



Prayer in WP(MD). 15297 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the issuance of impugned High Tension Bills (Provisional) issued by the 3rd respondent for the month of April 2020 (Bill 9094620210052001 dt.6.5.2020) pertaining to service No.079094620210 and quash the same as arbitrary, illegal and in violation Regulation 6(b) of the Tamilnadu Electricity Supply Code 2004 and direct the respondents to raise the monthly bill calculating the Maximum Demand charges at the rate of 20 percent as per Regulation 6(b) of 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 .

WP(MD). 15299 of 2020 :

M/s.Harihar Rocks Rep by its Partner B Anand Guptha,
Htsc No.059094520212, Sengottai Village,
Nattarmangalam, Madurai-625 020

... Petitioner

- Vs. -

1. The Chairman Tamilnadu Generation and Distribution Corporation Ltd., 144 Anna Salai, Chennai-002

2. The Chief Financial Controller Revenue,
TANGEDCO, 7th Floor, 144 Anna Salai, Chennai-002

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

... Respondents

Prayer in WP(MD). 15299 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the issuance of impugned High Tension Bills (Provisional) issued by the 3rd respondent for the month of April 2020 (Bill 9094520212052002 dt.5.5.2020) pertaining to HT service No.059094520212 and quash the same as arbitrary, illegal and in violation Regulation 6(b) of the Tamilnadu Electricity Supply Code 2004 and direct the respondents to raise the monthly bill calculating the Maximum Demand charges at the rate of 20 percent as per Regulation 6(b) of 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



WP(MD). 15305 of 2020 :

M/s.Shri Ramalinga Mills Ltd.

Unit A, Rep by its Chairman T.R. Dinakaran,

Htsc No.079094620259, 212 Ramasamy Nagar, Aruppukottai

... Petitioner

WEB COPY - Vs. -

1. The Chairman Tamilnadu Generation and Distribution Corporation Ltd., 144 Anna Salai, Chennai-002

2. The Chief Financial Controller Revenue, TANGEDCO, 7th Floor, 144 Anna Salai, Chennai-002

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

... Respondents

Prayer in WP(MD). 15305 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the issuance of impugned High Tension Bills (Provisional) issued by the 3rd respondent for the month of April 2020 (Bill 9094620259052003 dt.11.5.2020) pertaining to HT service No.079094620259 and quash the same as arbitrary, illegal and in violation Regulation 6(b) of the Tamilnadu Electricity Supply Code 2004 and direct the respondents to raise the monthly bill calculating the Maximum Demand charges at the rate of 20 percent as per Regulation 6(b) of 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.

WP(MD). 15306 of 2020 :

M/s.Sri Pathi Paper and Boards Pvt Ltd.,

Rep by its Authorized Signatory M.Samayakaruppasamy, Htsc No.079094620283, Sukkiravaripatti, Anaikuttam, Sivakasi-626 130.

... Petitioner

- Vs. -

1. The Chairman Tamilnadu Generation and Distribution Corporation Ltd., 144 Anna Salai, Chennai-002

2. The Chief Financial Controller Revenue,, TANGEDCO, 7th Floor, 144 Anna Salai, Chennai-002

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

... Respondents



Prayer in WP(MD). 15306 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the issuance of impugned High Tension Bills (Provisional) issued by the 3rd respondent for the month of April 2020 (Bill 9094620283052001 dt.8.5.2020) pertaining to HT service No.079094620283 and quash the same as arbitrary, illegal and in violation Regulation 6(b) of the Tamilnadu Electricity Supply Code 2004 and direct the respondents to raise the monthly bill calculating the Maximum Demand charges at the rate of 20 percent as per Regulation 6(b) of 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 .

WP(MD). 15313 of 2020 :

M/s.Shreenivasa Paper and Board,
Rep by its Authorized Signatory M.Samayakaruppasamy,
Htsc No.079094620331, Rajapalayam, Virudhunagar Dist

... Petitioner

- Vs. -

1. The Chairman
Tamilnadu Generation and Distribution Corporation Ltd.,
144 Anna Salai, Chennai-002

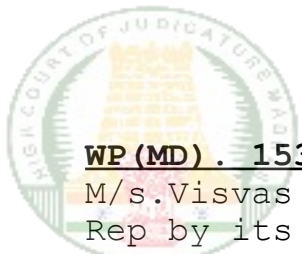
2. The Chief Financial Controller Revenue,
TANGEDCO, 7th Floor, 144 Anna Salai, Chennai-002

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

... Respondents

Prayer in WP(MD). 15313 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the issuance of impugned High Tension Bills (Provisional) issued by the 3rd respondent for the month of April 2020 (Bill 9094620331052001 dt.4.5.2020) pertaining to HT service No.079094620331 quash the same as arbitrary, illegal and in violation Regulation 6(b) of the Tamilnadu Electricity Supply Code 2004 and direct the respondents to raise the monthly bill calculating the Maximum Demand charges at the rate of 20 percent as per Regulation 6(b) of 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 .



WP(MD). 15319 of 2020 :

M/s.Visvas Papers Pvt Ltd.,
Rep by its Authorized Signatory M.Samayakaruppasamy,
Htsc No.079094620358, Bf-4 Srinivasa Apartments,
Nandhini St, Velmurugan Nagar, Veeracholan, Aruppukottai,
Virudhunagar Dist.

... Petitioner

- Vs. -

1. The Chairman
Tamilnadu Generation and Distribution Corporation Ltd.,
144 Anna Salai, Chennai-002

2. The Chief Financial Controller Revenue,
TANGEDCO, 7th Floor, 144 Anna Salai, Chennai-002

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

... Respondents

Prayer in WP(MD). 15319 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the issuance of impugned High Tension Bills (Provisional) issued by the 3rd respondent for the month of April 2020 (Bill 9094620358052001 dt.4.5.2020) pertaining to HT service No.079094620358 quash the same as arbitrary, illegal and in violation Regulation 6(b) of the Tamilnadu Electricity Supply Code 2004 and direct the respondents to raise the monthly bill calculating the Maximum Demand charges at the rate of 20 percent as per Regulation 6(b) of 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 .

WP(MD). 15321 of 2020 :

M/s.Shreenivasa Balaji Papers Pvt Ltd.,
Rep by its Authorized Signatory M.Samayakaruppasamy,
Htsc No.079094620359, Pechinaickanoor,
Muthunaickenpatty Post, Palani Tk, Dindigul.

... Petitioner

- Vs. -

1. The Chairman
Tamilnadu Generation and Distribution Corporation Ltd.,
144 Anna Salai, Chennai-002



2. The Chief Financial Controller Revenue,
TANGEDCO, 7th Floor, 144 Anna Salai, Chennai-002

3. The Superintending Engineer,
Dindigul Electricity Distribution Circle, TANGEDCO, Dindigul
... Respondents

Prayer in WP(MD). 15321 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the issuance of impugned High Tension Bills (Provisional) issued by the 3rd respondent for the month of April 2020 (Bill 9094500359052003 dt.4.5.2020) pertaining to HT service No.059094500359 quash the same as arbitrary, illegal and in violation Regulation 6(b) of the Tamilnadu Electricity Supply Code 2004 and direct the respondents to raise the monthly bill calculating the Maximum Demand charges at the rate of 20 percent as per Regulation 6(b) of 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 .

For Petitioner : Mr.N.Sudalaimuthu
(in all cases)

For Respondents : Mrs.Rajeswari,
(in all cases) for Mr.S.M.S.Johnny Basha,
Standing Counsel

COMMON ORDER

Since the issue involved in all these writ petitions are of similar in nature, they are disposed of by this common order.

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

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

4.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.



5. 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, 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.

6. 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, 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.

7. 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.

8. 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 or recorded demand, whichever is higher 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. It is the further contention of the respective petitioners that in all these writ petitions, the petitioners have paid the entire amount as per the impugned demand. Since the writ petitions are allowed and the petitioners are directed to pay only 20% of the impugned demand, the respondents shall adjust the excess payment, if any, made by the petitioner in the future bills raised by the petitioner.



9. Accordingly, the Writ Petitions are Allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

// 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.
4. The Superintending Engineer
Madurai Electricity Distribution Circle, TANGEDCO, Madurai
5. The Superintending Engineer
Dindigul Electricity Distribution Circle, TANGEDCO, Dindigul

Common order made in
W.P. (MD)Nos.15292, 15294, 15297,
15299, 15305, 15306, 15313,
15319 and 15321 of 2020

Dated: 04.11.2020

SS (CO)

TR(18.11.2020) 9P 6C