



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.11.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.15773 of 2020

and

W.M.P. (MD)Nos.13215 and 13126 of 2020

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M/s.Auromatrix Hotel Pvt., Ltd.,  
represented by its Director,  
6/112B, Beach Road,  
Kanyakumari-629702.

... Petitioner

Vs

1.The Tamil Nadu Generation and Distribution  
Corporation Limited,  
represented by its Chairman,  
144, Anna Salai, Chennai - 600 002.

2.The Government of Tamil Nadu,  
Energy Department,  
Fort St.George, Chennai.

3.The Accounts Officer / Revenue,  
Office of the Superintending Engineer,  
Tamil Nadu Generation and Distribution  
Corporation Limited,  
Parvathipuram, Nagercoil - 629 003.

4.The Superintending Engineer,  
Office of the Superintending Engineer,  
Tamil Nadu Generation and Distribution  
Corporation Limited,  
Parvathipuram, Nagercoil - 629 003.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the 3<sup>rd</sup> respondent herein in Bill Nos.9094740057052001 dated 07-05-2020, 9094740057062001 dated 05-06-2020, 9094740057072001 dated 06-07-2020, 9094740057082004 dated 05-08-2020 and 9094740057092001 dated 07-09-2020 raised for petitioners Service Connection No.079094740057 and consequential orders dated 20-10-2020 passed in Lr.No.SE/KKEDC/NGL/DFC/AO(Rev)/AS/RCS/D/2020 and order dated 22-10-2020 passed in No.LR.No.SE/KKEDC/NGL/AO/REV/AS/RCS/F.HT.0057/D. 55/2020 by the 4<sup>th</sup> respondent and quash the same and consequently to direct the respondents herein to issue fresh Bills for the period of lockdown, in the terms of Regulation 6(b) of the TN Electricity Supply Code



and further, to forbear the respondents herein from levying and collecting any sums in excess of Minimus Charges with respect to petitioner's Service Connection No.079094740057 during the period of lockdown, ie., 24.03.2020 till 01.09.2020.

For Petitioner : Mr.Srinath Sridevan  
For R1 and R2 : Mr.C.Ramesh,  
Special Government Pleader  
For R3 and R4 : Mrs.Rajeswari,  
for Mr.S.M.S.Johnny Basha,  
Standing Counsel

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**O R D E R**

Heard Mr.Srinath Sridevan, learned Counsel for the petitioner, Mr.C.Ramesh, learned Special Government Pleader for R1 and R2 and Mrs.Rajeswari, learned Counsel for Mr.S.M.S.Johnny Basha, learned Standing Counsel for R3 and R4. By consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2.The issues involved in this Writ Petition 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.

3.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, 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.

4.According to the petitioner, despite the common order, dated 14.08.2020, passed in the batch of Writ Petitions, the fourth respondent issued the impugned disconnection notice, dated 22.10.2020, since the petitioner was not a party to the common order, dated 14.08.2020, passed in the batch of writ petitions, involving similar issue.

5.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 22.10.2020, issued by the fourth 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 this 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.

6. Accordingly, the impugned order, dated 22.10.2020, is hereby quashed and the Writ Petition is allowed. Accordingly, similar direction, as was issued by this Court in W.P.No.7678 of 2020 batch, dated 14.08.2020, is issued as follows:

a) TANGEDCO shall issue a revised bill to the petitioner 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 the petitioner, 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 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 petitioner 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 the petitioner, 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 establishments 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.



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

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

cmr

To

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

2. The Government of Tamil Nadu,  
Energy Department,  
Fort St. George, Chennai.

3. The Accounts Officer / Revenue,  
Office of the Superintending Engineer,  
Tamil Nadu Generation and Distribution  
Corporation Limited,  
Parvathipuram, Nagercoil - 629 003.

4. The Superintending Engineer,  
Office of the Superintending Engineer,  
Tamil Nadu Generation and Distribution  
Corporation Limited,  
Parvathipuram, Nagercoil - 629 003.

+1 CC to Mr. K. GOVINDARAJAN, Advocate ( SR-21393[F] dated  
06/11/2020 )

+1 CC to SPL GP ( SR-21493[F] dated 06/11/2020 )

Order made in  
W.P. (MD) No. 15773 of 2020  
**05.11.2020**

VB (24.11.2020) 4P 7C