



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2020

CORAM

WEB COPY

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P. (MD)No.16232 of 2020

D.P.N.Spinners Pvt Ltd
Represented by its General Manager,
K.Selvarajan,
S.F.No.1015, Srirampuram(PO),
Eriodu Road, Vendasandur-624 702.-

... Petitioner

Vs.

1.Tamil Nadu Generation and Distribution Corporation Ltd
Rep by its Chairman & Managing Director,
10th Floor, No.144, Anna Salai,
Chennai - 600 002.

2.Tamilnadu Electricity Regulatory Commission,
Rep by its Secretary,
TIDCO Office Building No.19.A,
Rukmani Lakshmipathy Salai, Egmore,
Chennai - 600 008.

3.The Superintendent Engineer,
Dindigul Electricity Distribution Circle,
Dindigul District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first and third respondents to refund the excess demand charges and compensation charges collected from the petitioner in HTSC No.059094500189 in violation of the amended Tamil Nadu Electricity Supply Code 2004.

For Petitioner	:	Mr.P.Purushotham
For Respondents	:	Ms.Rajeswari, for Mr.S.M.S.Jhony Basha, Standing Counsel.

ORDER

(This petition was heard through video conferencing)

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 and 3 to refund the excess demand charges and compensation charges collected from the petitioner in



HTSC No.059094500189 in violation of the amended Tamil Nadu Electricity Supply Code 2004.

2.It is the case of the petitioner that due to unprecedented pandemic situation, complete lock-down was announced by the Government from 24.03.2020 to 05.05.2020. According to the petitioner, the second respondent in *suo moto* proceedings in No.2 of 2020, dated 04.05.2020, passed an order, in which, it is stated that due to lock-down, the HT consumers are considered to be falling under Regulation of 6(b) and therefore, minimum demand charge as payable shall be 20% of the contracted demand or recorded demand which ever is higher besides the charges for the actual consumption of electricity.

3.According to the petitioner, in spite of no manufacturing activity carried at the petitioner's factory, due to lock-down announced by the Government of Tamil Nadu, the first respondent arbitrarily imposed 90% demand charges for the month of April, May, June and July 2020 and compensation charges for the month of April consumption bill, such demand is contrary to the Regulation 6(b) of the Tamil Nadu Electricity Supply Code 2004. It is the case of the petitioner that they have paid the aforesaid demand under the protest, which includes 90% demand charges for the months of April, May, June and July and immediately, wrote series letters to the third respondent requesting them to refund the excess demand charges and compensation charges collected from the petitioner. According to the petitioner, till date the same has not been considered by the first and third respondents.

4.The petitioner has also stated in its affidavit that in identical cases, this Court has already passed common order, dated 14.08.2020 in W.P.No.7678 of 2020 batch declaring that maximum demand charges levied by the first respondent on HT consumers during lock-down is illegal. In such circumstances, this writ petition has been filed.

5.No positive direction as prayed for by the petitioner in this writ petition can be granted by this Court. The only relief that can be granted by this Court is to direct the third respondent to consider the petitioner's representation seeking for refund the excess demand charges and compensation charges allegedly paid by them to the third respondent for the months of April, May, June, July 2020. According to them, the excess amount collected by the third respondent is contrary to the Regulation 6(b) of the Tamil Nadu Electricity Supply Code 2004. The last of the representation made by the petitioner seeking refund was on 06.09.2020. No prejudice will be caused to the respondents if the representation of the petitioner is considered on merits and in accordance with law.

6.For the foregoing reasons, this Court directs the third respondent to consider the petitioner's representation, dated

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



06.09.2020 seeking for refund of the excess demand charges and compensation charges allegedly collected from the petitioner in HTSC No.059094500189 and pass final orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Gns

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. Tamil Nadu Generation and Distribution Corporation Ltd
Rep by its Chairman & Managing Director,
10th Floor, No.144, Anna Salai,
Chennai - 600 002.

2. Tamilnadu Electricity Regulatory Commission,
Rep by its Secretary,
TIDCO Office Building No.19.A,
Rukmani Lakshmipathy Salai, Egmore,
Chennai - 600 008.

3. The Superintendent Engineer,
Dindigul Electricity Distribution Circle,
Dindigul District.

+1 CC to M/s.P.PURUSHOTHAM, Advocate (SR-22423[F] dated
23/11/2020)

W.P. (MD) No.16232 of 2020
19.11.2020

CK (CO)

AP (01/12/2020) 3P 5C