



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.16374 of 2020

and

W.M.P. (MD) .Nos.13683 & 13685 of 2020

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M/s.Rohini Metals,
represented by its Authorized Signatory M.Samayakaruppasamy
HTSC No.079094620370,
94/1E, Kathalampatti Street,
3/220, Thiravianathapuram,
Virudhunagar District. - 626 001.

.. 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: Writ 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 9094620370052001 dated 04.05.2020) pertaining to HT Service No.079094620370 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% or on the recorded demand whichever is higher 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.

For Petitioner : Mr.N.Sudalaimuthu

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



ORDER

(This writ petition is heard through video conference)

This writ petition has been filed challenging the impugned High Tension Bill (Provisional) issued by the third respondent for the month of April 2020 (Bill 9094620370052001 dated 04.05.2020) pertaining to HT Service No.079094620370.

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

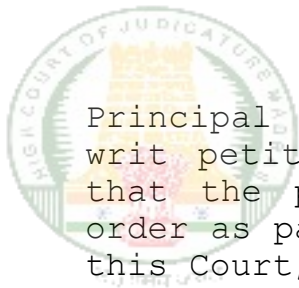
3. By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

4.The issue involved in this writ petition was 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 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, since the petitioner was 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 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 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 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.

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8. 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 or recorded demand, whichever is higher and low power factor surcharges relating to the petitioner's 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 petitioner that in this writ petition, the petitioner has paid the entire amount as per the impugned demand. Since the writ petition is allowed and the petitioner is 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 respondents.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

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,

<https://hcservice.tn.gov.in/hcservice/003>



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

+1 CC to Mr.N.SUDALAIMUTHU, Advocate (SR-22474[F] dated
23/11/2020)

W.P. (MD)No.16374 of 2020
20.11.2020

VB (04.12.2020) 4P 5C