



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)Nos.18071, 18075, 18077 & 18079 of 2020

and

W.M.P (MD)Nos.15062, 15063, 15065, 15066, 15068, 15069, 15070 & 15071
of 2020

M/s.Aruppukkottai Shri Vijayalakshmi
Textile Mills (P) Ltd.,
Represented by its Managing Director R.Renugadevi,
HTSC No.07909470091,
Sankaralingapuram, Vilathikulam Taluk,
Tuticorin District. ... Petitioner in W.P. (MD)
No.18071 of 2020

M/s.Shri Mookambika Spinning Mills Private Ltd.,
Represented by its Managing Director
Mr.E.O.Sathiesh Kumar,
HTSC No.059094500062,
2/330-G, Trichy Road, Vellapommanpatti,
Vedasandur (TK), Vahdamadurai 624 802 ... Petitioner in W.P. (MD)
No.18075 of 2020

M/s.KMS Confectioneries Private Limited,
Represented by its Director
KR.Meenakshi Sundaram,
HTSC No.059094520291,
4/4B,Nagari-Solavandan Road,
Thiruvayanallur Village,
Vadipatti Taluk, Madurai 625 221 ... Petitioner in W.P. (MD)
No.18077 of 2020

M/s.Divyalakshmi Textiles Pvt Ltd.,
Represented by its Authorised
Signatory R.Ganganna,
HTSC No.079094620269,
Kulasekaranallur Village, Thiruchuli Road,
Aruppukottai. ... Petitioner in W.P. (MD)
No.18079 of 2020

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 ... RR 1 & 2 in all W.P.'s
3. The Superintending Engineer
Tuticorin Electricity Distribution Circle,
TANGEDCO, 131, 132, Ettayapuram Road,
Tuticorin - 628 002, Tuticorin District. ... R3 in W.P.(MD)
No.18071 of 2020
4. The Superintending Engineer
Dindigul Electricity Distribution Circle,
TANGEDCO, Dindigul,
Dindigul District ... R3 in W.P.(MD)
No.18075 of 2020
5. The Superintending Engineer
Madurai Electricity Distribution Circle,
TANGEDCO, Madurai ... R3 in W.P.(MD)
No.18077 of 2020
6. The Superintending Engineer
Virudhunagar Electricity Distribution Circle,
TANGEDCO, Virudhunagar
Virudhunagar District ... R3 in W.P.(MD)
No.18079 of 2020

PRAYER in W.P. (MD) No.18071 of 2020: Petition filed under Article 226 of the Constitution of India 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 No.9094700091052001 dated 04.05.2020) pertaining to Service No.079094700091 and quash the same as arbitrary, illegal and in violation of 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 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.

PRAYER in W.P. (MD) No.18075 of 2020: Petition filed under Article 226 of the Constitution of India 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 No.9094500062052010 dated 05.05.2020) pertaining to Service No.059094500062 and quash the same and direct the 3rd respondent to raise the fresh monthly bills calculating the Maximum Demand Charges at the rate of 20% or 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 and also to further direct the



respondents to refund the excessively collected demand charges from the petitioner.

PRAYER in W.P.(MD) No.18077 of 2020: Petition filed under Article 226 of the Constitution of India 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 No.9094520291052001 dated 05.05.2020) pertaining to Service No.059094520291 in violation of Regulation 6(b) of the Tamil Nadu Electricity Supply Code, 2004 and quash the same and direct the 3rd respondent to raise the fresh monthly bills calculating the Maximum Demand Charges at the rate of 20% or 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 and also to further direct the respondents to refund the excessively collected demand charges from the petitioner.

PRAYER in W.P.(MD) No.18079 of 2020: Petition filed under Article 226 of the Constitution of India 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 No.9094620269052002 dated 08.05.2020) pertaining to Service No.079094620269 and quash the same as arbitrary, illegal and in violation of 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 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.

In all Writ petitions:

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

C O M M O N O R D E R

Since the issue involved in all these writ petitions are 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.

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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. 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. 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.

7. 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.



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

Sd/-

Assistant Registrar ()

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/ /2020

Sub Assistant Registrar(CS)

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

Tuticorin Electricity Distribution Circle,
TANGEDCO, 131, 132, Ettayapuram Road,
Tuticorin - 628 002, Tuticorin District.

4. The Superintending Engineer

Dindigul Electricity Distribution Circle,
TANGEDCO, Dindigul, Dindigul District

5. The Superintending Engineer

Madurai Electricity Distribution Circle,
TANGEDCO, Madurai

6. The Superintending Engineer

Virudhunagar Electricity Distribution Circle,
TANGEDCO, Virudhunagar
Virudhunagar District.

+4cc to Mr.N.Sudalaimuthu, Advocate Sr.No.24562

Common order made in

W.P. (MD)Nos.18071, 18075,
18077 & 18079 of 2020

09.12.2020

VB (14.12.2020) 5P 11C

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