



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.12.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.17743 of 2020

and

W.M.P. (MD) .Nos.14814 & 14816 of 2020

(Through Video Conferencing)

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The Thangam Grand
represented by its
Director Mr.R.Ramesh

... Petitioner

Vs

1.Tamil Nadu Generation and Distribution
Corporation Limited, represented by its
Chairman and Managing Director,
No.144, Anna Salai, Chennai-600 002.

2.The Chief Financial Controller / Revenue,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
No.144, Anna Salai, Chennai-600 002.

3.The Superintending Engineer,
Madurai / Metro / EDC / TANGEDCO,
K.Pudhur, Madurai-625 007.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the issuance of the impugned High Tension Bills (Provisional) for the months of March 2020 to September 2020 (vide Bill Nos.9094630149042001 dated 03.04.2020, 9094630149052001 dated 03.05.2020, 9094630149062001 dated 03.06.2020, 9094630149072001 dated 03.07.2020, 9094630149082001 dated 05.08.2020, 9094630149092003 dated 03.09.2020, 9094630149102002 dated 05.10.2020) issued by the third respondent pertaining to Service Connection No.059094630149 and quash the same in so far as collection of demand charges 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, from March 2020 to till the complete lifting of lockdown and consequentially refund the demand charge already paid under protest by the petitioner within the period that may be stipulated by this Court.

For Petitioners
For Respondents

: Mr.S.Nateshraaja
: Mrs.M.Rajeswari
For Mr.S.M.S.Johny Basha
Standing Counsel



ORDER

This writ petition has been filed challenging the impugned High Tension Bills (Provisional) issued by the third respondent for the months of March 2020 to September 2020.

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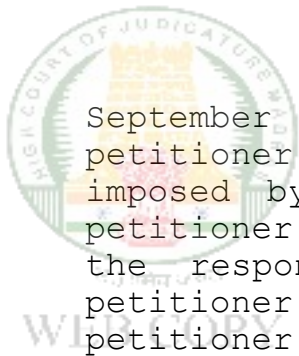
2. Mrs.M.Rajeswari, learned counsel representing Mr.S.M.S.Johny Basha, learned Standing Counsel accepts notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard Mr.S.Nateshraaja, learned counsel for for the petitioner and Mrs.M.Rajeswari, learned counsel, representing Mr.S.M.S.Johny Basha, learned Standing Counsel for the respondents.

4. The learned counsel for the petitioner drew the attention of this Court to a common order dated 04.11.2020 passed by this Court in identical matters in W.P.(MD).Nos.15292 of 2020 batch and would submit that the petitioner is also similarly placed person. On instructions, he would also submit that even though the prayer sought for includes the bill raised by the third respondent for the month of March 2020 also, the petitioner restricts their relief only for the bills raised from April 2020 to September 2020. On instructions, he would further submit that the petitioner has paid all the charges as raised by the respondents in the aforementioned bills and therefore, the said amounts paid by the petitioner will have to be adjusted by the third respondent in the future bills raised by them.

5. This Court has perused and examined the common order dated 04.11.2020 passed in the batch of Writ Petitions in W.P.(MD). No.15292 of 2020 batch and finds that the issue raised in this Writ Petition is also identical to the issue raised in those writ petitions. In the said common order dated 04.11.2020 passed by this Court in the batch of Writ Petitions, the following directions were issued after quashing the impugned orders. The petitioners in those Writ Petitions were directed to pay consumption charges after deducting 80% demand charges or recorded demand, whichever is higher and low power factor surcharges relating to the bills raised for the bill months from 04/2020 onwards (i.e., for the complete lockdown period), within a period of four weeks from the date of receipt of a copy of the said order. It was also made clear that in the said order dated 04.11.2020 passed by this Court in identical matters, if the petitioners paid the entire amount as per the impugned demand, the respondents shall adjust the excess payment if any made by them in the future bills raised by the respondents.

6. The petitioner in this Writ Petition is also entitled for the similar relief as he stands on the same boat. Accordingly, the impugned demand pertaining to bills for the month of April to



September 2020 raised by the third respondent in respect of the petitioner's Hotel, which admittedly was closed due to the lockdown imposed by the Government are hereby quashed and in case, the petitioner had already paid the bill amounts for the said period, the respondents shall adjust the excess payment made by the petitioner if any in the future bills raised by them on the petitioner.

7. Accordingly, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

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 Limited, represented by its Chairman and Managing Director, No.144, Anna Salai, Chennai-600 002.
- 2.The Chief Financial Controller / Revenue, Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO), No.144, Anna Salai, Chennai-600 002.
- 3.The Superintending Engineer, Madurai / Metro / EDC / TANGEDCO, K.Pudhur, Madurai-625 007.

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