



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

WEB COPY

W.P(MD).No.18005 of 2020
and W.M.P. (MD) Nos.15025 & 15026 of 2020
(Through Video Conference)

National Metal Powder Company,
Rep. by its Partner,
V.Giritharan,
102-A, Chairman A.Shunmugam Road,
Sivakaasi- 626 123

.. Petitioner

Vs.

- 1) The Tamil Nadu Generation & Distribution Corporation Limited (TANGEDCO),
Represented by its Chairman & Managing Director,
144, Anna Salai, Chennai 600 002
 - 2) The Chief Financial Controller - Revenue
Tamil Nadu Generation & Distribution Corporation Limited,
10th Floor, NPKRR Maaligai,
144, Anna Salai, Chennai 600 002
 - 3) The Superintending Engineer,
O/o the Superintending Engineer,
Tamil Nadu Generation & Distribution Corporation Limited,
Virudhunagar Electricity Distribution Circle,
Virudhunagar - 626 001
 - 4) The Accounts Officer/ Revenue
O/o the Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
Virudhunagar - 626 001
- .. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents to withdraw the Maximum Demand Charges of 90% of the Sanctioned Demand and assess the same at Minimum Demand Charges at 20% or to Actual Demand Charges for the current consumption Bills from the month of March 2020 in view of the COVID-19 Pandemic Government Lockdown Regulations in accordance with the Regulatory Provisions under Regulation 6(b) of Tamil Nadu Electricity Supply Code 2004 and continue to charge the same until the entire period of Lockdown and



consequently direct the respondents to refund the excessively collected charges from March 2020 and to adjust the same in future bills.

For Petitioner : Mr.N.Dilip Kumar
For Respondents : Mrs.M.Rajeshwari for
Mr.S.M.S.Johnny Basha,
Standing counsel.

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O R D E R

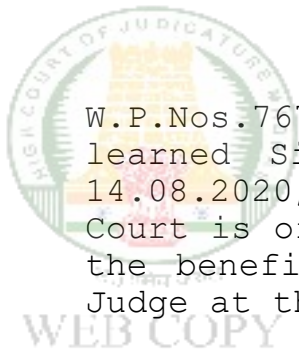
This writ petition has been filed seeking for a Mandamus to direct the respondents to withdraw the Maximum Demand Charges of 90% of the Sanctioned Demand and assess the same at Minimum Demand Charges at 20% or to Actual Demand Charges for the current consumption Bills from the month of March 2020 in view of the COVID-19 Pandemic Government Lockdown Regulations in accordance with the Regulatory Provisions under Regulation 6(b) of Tamil Nadu Electricity Supply Code 2004 and continue to charge the same until the entire period of Lockdown and consequently direct the respondents to refund the excessively collected charges from March 2020 and to adjust the same in future bills.

2. Mrs.M.Rajeshwari, learned counsel, appearing on behalf of Mr.S.M.S.Johnny Basha, learned standing counsel, accepts notice for the respondents. By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

3. The issue involved in this writ petition is 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.

4. In accordance with the said common order, the petitioner has 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 second respondent dated 16.10.2020, 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.

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. This Court has perused the affidavit filed in support of this 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



W.P.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 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 petitioner.

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

Sd/-

Assistant Registrar (T&P)

// True Copy //

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Sub Assistant Registrar(CS)

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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 & Managing Director,
Tamil Nadu Generation & Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai 600 002



2) The Chief Financial Controller - Revenue
Tamil Nadu Generation & Distribution
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Virudhunagar - 626 001

4) The Accounts Officer/ Revenue
O/o the Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
Virudhunagar - 626 001

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-24748[F] dated
09/12/2020)

W.P (MD) .No.18005 of 2020
09.12.2020

PU (CO)
KB (14.12.2020) 4P 6C