



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.18523 of 2020

and

W.M.P. (MD) .Nos.15487 & 15492 of 2020

(Through the Video Conferencing)

WEB COPY

M/s.Sri Visaka Fabrics Private Limited,
Represented by its Authorized Signatory
M.Samayakaruppasamy,
HTSC No.079094620244,
120, Madurai Road, Virudhunagar,
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 Officer,
Virudhunagar, Electricity Distribution Circle,
TANGEDCO, Virudhunagar.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Writ of Certiorarified Mandamus to call for the records leading to the issuance of impugned High Tension Bills (Provisional) issued by the third respondent for the month of April 2020 (Bill 9094620244052001 dated 04.05.2020) pertaining to HT Service No.079094620244 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% 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
For Respondents

: Mr.N.Sudalaimuthu
: Mrs.M.Rajeswari
for Mr.S.M.S.Johny Basha
Standing Counsel



ORDER

(This Petition was heard through the Video Conferencing)

Mrs.M.Rajeswari, learned counsel representing Mr.S.M.S.Johny 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.

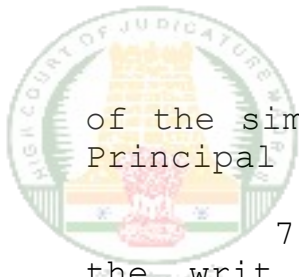
2. Heard Mr.N.Sudalaimuthu, learned counsel for the petitioner and Mrs.M.Rajeswari, learned counsel representing Mr.S.M.S.Johny Basha, learned Standing Counsel for the respondents.

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, 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.

5. 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, on the petitioners, since the petitioners were not a party to the common order, dated 14.08.2020, passed in the batch of writ petitions, involving the similar issue.

6. 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 this writ petition is 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.

7. 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 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. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// 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.

+1 CC to Mr.N.SUDALAIMUTHU, Advocate (SR-25676[F]
dated 16/12/2020)

Order made in
W.P. (MD)No.18523 of 2020
Dated:
15.12.2020

KM (29.12.2020) 3P 2C