



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.18898 of 2020

and W.M.P. (MD) No.15830 of 2020

(Through Video Conference)

WEB COPY

Poppys Hotel Pvt Ltd.,
Rep by its Managing Director
S.K.Hari Arumugam

... Petitioner

Vs

1.Tamil Nadu Generation & Distribution
Corporation Limited (TANGEDCO),
Rep. by its Chairman and Managing Director,
144, Anna Salai, Chennai 600 002

2. The Accounts Officer/Revenue,
High Tension Bill Section,
Distribution, K.Pudhur,
Tamil Nadu Generation & Distribution
Corporation Limited,
Madurai Metro, Madurai 20

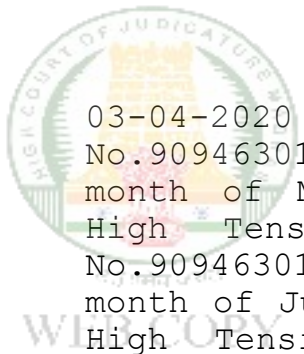
3. The Superintending Engineer,
Distribution Madurai Metro,
K.Pudhur,
Tamil Nadu Generation & Distribution
Corporation Limited,
Madurai -20

4. The Executive Engineer,
Distribution North,
K.Pudhur, Madurai Metro,
Tamil Nadu Generation & Distribution
Corporation Limited,
Madurai 20

5. The Assistant Executive Engineer,
Distribution, K.K.Nagar,
Madurai Metro,
Tamil Nadu Generation & Distribution
Corporation Limited,
Madurai 20

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire records of the Respondents which culminated in High Tension Bill for the month of March 2020 in Bill No.9094630138042001 dated



03-04-2020 High Tension Bill for the month of April, 2020 in Bill No.9094630138052001 dated 03-05-2020, High Tension Bill for the month of May 2020 in Bill No.9094630138062001 dated 03-06-2020 High Tension Bill for the month of June 2020 in Bill No.9094630138072001 dated 03-07-2020 High Tension Bill for the month of July 2020 in Bill No.9094630138082001 dated 05-08-2020 and High Tension Bill for the month of August 2020 in Bill No.9094630138092001 dated 03.09.2020 for service connection No.059094630138 issued by the 2nd respondent and quash the same in the light of the orders passed by this Court made in batch of W.P.No.7678 of 2020 etc dated 14.08.2020 and consequently direct the respondents to adjust the amount already paid by the petitioner in the future bills starting from the month of November 2020 onwards.

For Petitioner : Mr.Muthumani Doraisami

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

ORDER

This writ petition has been filed seeking to call for the entire records of the Respondents which culminated in High Tension Bill for the month of March 2020 in Bill No.9094630138042001 dated 03-04-2020 High Tension Bill for the month of April, 2020 in Bill No.9094630138052001 dated 03-05-2020, High Tension Bill for the month of May 2020 in Bill No.9094630138062001 dated 03-06-2020 High Tension Bill for the month of June 2020 in Bill No.9094630138072001 dated 03-07-2020 High Tension Bill for the month of July 2020 in Bill No.9094630138082001 dated 05-08-2020 and High Tension Bill for the month of August 2020 in Bill No.9094630138092001 dated 03.09.2020 for service connection No.059094630138 issued by the 2nd respondent and quash the same in the light of the orders passed by this Court made in batch of W.P.No.7678 of 2020 etc dated 14.08.2020 and consequently direct the respondents to adjust the amount already paid by the petitioner in the future bills starting from the month of November 2020 onwards.

2. Heard Mr.Muthumani Doraisami, learned counsel appearing for the petitioner and Mrs.M.Rajeswari, learned counsel appearing on behalf of Mr.S.M.S.Johnny Basha, learned standing 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.

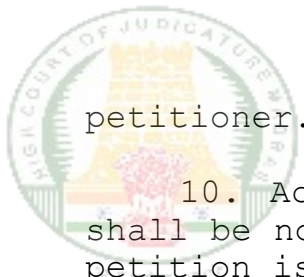
5. In accordance with the said common order, some of the petitioners in the said batch of writ petitions have also made payment to the respondents. The respondents also received the payment without prejudice to their rights and contentions. As seen from the proceedings of the respondents dated 07.10.2020, 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 orders, dated 03.04.2020, 03.05.2020, 03.06.2020, 03.07.2020 & 05.08.2020 & 03.09.2020 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 orders, dated 03.04.2020, 03.05.2020, 03.06.2020, 03.07.2020 & 05.08.2020 & 03.09.2020 issued by the third respondent.

8. 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.

9. Accordingly, the impugned orders are 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 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 petitioner that 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 the petitioner in the future bills raised by the



petitioner.

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

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Sd/-

Assistant Registrar (AD-II)

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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 and Managing Director,
Tamil Nadu Generation & Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai 600 002
 2. The Accounts Officer/Revenue,
High Tension Bill Section,
Distribution, K.Pudhur,TANGEDCO,Madurai Metro, Madurai 20
 3. The Superintending Engineer,
Distribution Madurai Metro,
K.Pudhur, TANGEDCO, Madurai -20
 4. The Executive Engineer,
Distribution North,
K.Pudhur, Madurai Metro,TANGEDCO, Madurai 20
 5. The Assistant Executive Engineer,
Distribution, K.K.Nagar,
Madurai Metro,TANGEDCO, Madurai 20
- +1 CC to M/s Muthumani Doraisami, Advocate, in SR.No.26586.

Order made in

W.P. (MD)No.18898 of 2020

Dated:

21.12.2020

(PU) CO

AP(18/01/2021) 4P 7C

<https://hcservices.ecourts.gov.in/hcservices/>