



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.19259 of 2020

and W.M.P. (MD) .Nos.16074 & 16077 of 2020

(Through Video Conference)

WEB COPY

M/s.Ahastheshwarar Spinning Mills Private Limited,
Rep. by its Managing Director A.Sundararajan,
HTSC No.059094500342,
Sullerumbu Village, Boothipuram,
Vedasandur Taluk, Dindigul.

... 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 Engineer,
Dindigul Electricity Distribution Circle,
TANGEDCO, Dindigul,
Dindigul District.

... Respondents

PRAYER: 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 third respondent for the month of April 2020 (Bill 9094500342052001 dated 08.05.2020) pertaining to Service No.059094500342 and quash the same and direct the third respondent to raise the fresh monthly bills calculating the Maximum Demand Charges at the rate of 20% of 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 charged from the petitioner.

For Petitioner	: Mr.M.Sudalaimuthu
For Respondents	: Mr.S.M.S.Johnny Basha, Standing Counsel

O R D E R

This writ petition has been filed seeking to call for the records leading to the issuance of impugned High Tension Bills
<https://hcservices.ecourts.gov.in/hcservices/>



(Provisional) issued by the third respondent for the month of April 2020 (Bill 9094500342052001 dated 08.05.2020) pertaining to Service No.059094500342 and for a consequential direction to the third respondent to raise fresh monthly bills calculating the Maximum Demand Charges at the rate of 20% of 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 charged from the petitioner.

2. Heard Mr.N.Sudalaimuthu, learned counsel appearing for the petitioner and 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.

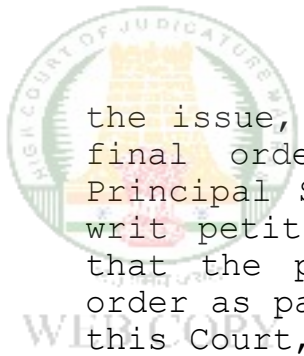
4.The issue involved in the writ petition was the subject matter of batch of writ petitions before the Principal Seat of this Court in W.P. Nos.7678 of 2020 batch. By common order, dated 14.08.2020, in the aforesaid batch of writ petitions, the learned Single Judge at the Principal Seat of this Court 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 order, dated 08.05.2020, 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 order, dated 04.05.2020, 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 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 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 any, made by 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 petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

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,
TANGEDCO, 144, Anna Salai,
Chennai-600 002.

2.The Chief Financial Controller-Revenue,
TANGEDCO, 7th Floor, 144, Anna Salai,
Chennai-600 002.

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



3.The Superintending Engineer,
Dindigul Electricity Distribution Circle,
TANGEDCO, Dindigul,
Dindigul District.

+1CC to M/s.N.Sudalaimuthu, Advocate, SR.No.27175 dated
28/12/2020

W.P. (MD) No.19259 of 2020
23/12/2020

PU (CO)
KB (07.01.2021) 4P 5C