IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 9.3.2021

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The HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No.3007 of 2021
and
W.M.P.No.3374 of 2021

Hosur Industries Association,
Registration No.07/1981,
Plot No.159/A, SIPCOT Industrial Complex,
Hosur - 635 126. Dist.: Krishnagiri.
rep. by its Secretary,
Mr.Arulanandan P. : Petitioner

vs.

1. The Tamil Nadu Generation and Distribution Corporation Ltd (TANGEDCO)
rep. by its Chairman & Managing Director,
10th Floor, No.144, Anna Salai,
Chennai - 600 002.

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

3. The Superintending Engineer,
TANGEDCO,
Krishnagiri Electricity
Distribution Circle
Krishnagiri. : Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to extend the benefit of the order of this Court dated 14.08.2020 passed in W.P.No.7678 of 2020 in a similar batch matter and to apply the order of this Court as per Article 14 of the constitution of India to the petitioner also and consequently direct the first and second respondents to cause to issue the fresh CC bills for the months of April 2020 - September 2020 falling in the lock down periods and also to further direct the respondents to refund the excessively collected demand charges, in respect of members of the petitioner Association who have paid already.

For Petitioners ... Mr.S.Pandiyaraj

For Respondents ... Mr.M.Varunkumar
Standing Counsel

ORDER

The petitioner is Hosur Industries Association, whose Members are having High Tension Electricity Supply and such Industrial Units were locked down due to the orders of the Government on account of the Covid-19 pandemic situation. During the complete lock down period from 24.03.2020 upto September 2020 also, the 3rd respondent raised invoices by calculating the amount at the rate of 90% of the sanctioned demand, even though the petitioners were not running the industries during the said period.

2. Learned counsel for the petitioner by relying upon the order passed by this Court in W.P.No.7678/2020 dated 14.08.2020 submitted that as per the relevant provisions under section 6 (b) of the Supply Code, the respondents shall claim only 20% of the sanctioned demand or the actual usage during the period of similar nature.

3. Considering the relevant provisions, this Court has allowed similar batch of writ petitions on the following terms:

> 45. The above discussion leads this Court to the only conclusion that the maximum demand charges and the compensation charges levied by TANGEDCO against the petitioners who are HT consumers, is illegal, unsustainable and in violation of the statutory regulations. Accordingly, the Maximum Demand Charges and the compensation towards low PF that have been questioned in the impugned bills raised by the TANGEDCO for each of the consumers who are parties in these batch of writ petitions, is hereby quashed. The following directions are also issued by this Court:
>
> > a) TANGEDCO shall issue a revised bill to the petitioners by applying Regulation 6(b) of the Supply Code for the entire period when the establishment was under shut down;
> >
> > b) If TANGEDCO has already recovered the entire dues from any of the petitioners, the bill shall be reworked in accordance with the

direction given in Clause (a) and the excess amount shall be adjusted towards the future bills;

c) If the demand made by TANGEDCO has been adjusted from the security deposit and any of the petitioner has been asked to pay any amount towards additional security deposit on that count, the said claim shall be withdrawn forthwith and the calculation of the additional security deposit shall be independently done under Regulation 5 of the Supply Code and demand/ adjustment shall be done in accordance with the said Regulation;

d) The TANGEDCO shall not levy compensation charges towards low PF from the petitioners during the period of lock down Even if such levy is made in future, show cause notice shall be issued to the consumer and an opportunity shall be given to the consumer before levying any compensation under Clause 6.1.1.6 of the Tariff Regulation;

e) If any amount has already been recovered towards levy of compensation charges for low PF from any of the petitioners, the said amount shall be adjusted towards future bills;

f) These directions will apply only for the period during which the establishment was under total lock down due to the orders issued by the Government and it is made clear that it pertains only to the Minimum Charges payable under Regulation 6(b) of the Supply Code and there is no exemption or concession insofar as the charges payable for the actual consumption of electricity (Energy Charges); and

g) If any of the establishments continue to be under lock down due to the Government Orders passed in this regard, the minimum charges alone shall be collected till the lifting of the lock down

4. However, Mr.M.Varunkumar, learned Standing Counsel for the Electricity Board raised certain objections and submitted that the order passed by this Court in W.P.No.7678/2020 etc. batch have been challenged by way of Writ Appeal before the Division Bench of this Court in W.A.No.836 of 2020.

5. Considering the relevant provisions of law and the order passed by this Court and that the Industries were not permitted to function on account of lock down announced by the Government, this Writ Petition is allowed in terms of the order passed in W.P.Nos.7678/2020 etc. batch dated 14.08.2020. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssk.

To

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Krishnagiri Electricity
Distribution Circle
Krishnagiri.

+1cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.14906.

W.P.No.3007 of 2021

PCH(CO)
CSR 08.04.2021