

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17/2/2021
C O R A M

THE HONOURABLE Mr.JUSTICE B.PUGALENDHI

Writ Petition No.3239 of 2021
a n d
W.M.P.No.3679 of 2021

Ashok Leyland Limited - Foundry Division
rep. By its Head Mr.A.Kamal Basha
HT SC No.573
Plot No.L2 SIPCOT Phase II, Aranery
Sriperumbudur
Kancheepuram

.... 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
7th Floor, 144 Anna Salai
Chennai 600 002.

3. The Superintending Engineer
TANGEDCO
Chengalpattu Electricity Distribution Circle
Chengalpattu.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to extend the benefit of the order of this Court, dated 14/8/2020, 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 and consequently, direct the third respondents to cause to issue the fresh CC bills for the months of March 2020 - September 2020 falling in the lockdown periods and also to direct the respondents to refund the excessively collected demand charges from the petitioner.

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petitioner has been asked to pay any amount towards additional security deposit on that count, the said claim shall be withdrawn forthwith and the calculation of the additional security deposit shall be independently done under Regulation 5 of the Supply Code and demand/ adjustment shall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 lockdown. 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 lockdown 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 lockdown due to the Government Orders passed in this regard, the minimum charges alone shall be collected till the lifting of the lockdown.

4. Mr.P.R.Dhilip Kumar, learned Standing Counsel for the Electricity Board submits that as against the abovesaid order, writ appeals have been filed before the Hon'ble Division Bench and the same are yet to be taken. Industries were not in operation due to the lock down announced by the Government.

5. Since Regulation 6 (b) of the Supply Code provides for collection of minimum demand charges at the rate of 20% whereas in all these cases, the demand has been made at the rate of 90%, on the sanctioned demand, this writ petition is allowed, on the directions issued by this Court in W.P.No.7678 of 2020 batch. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

mvs.

To

1. The Chairman & Managing Director
Tamil Nadu Generation and
Distribution Corporation Ltd (TANGEDCO)
10th Floor, No.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
TANGEDCO
Chengalpattu Electricity Distribution Circle
Chengalpattu.

+1 cc to M/s.R.S.Pandiyaraj Advocate sr10071

Writ Petition No.3239 of 2021

jpIi(co)
aa10/03/2021



WEB COPY