IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.02.2021

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The HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No.2770 of 2021
and
W.M.P.No.3126 of 2021

Tarsun Steels India P. Ltd.
HT.SC No.361,
S.F.No.156/1B Trichy Road,
Madhapur Village, Palladam,
Tiruppur – 641 664 rep. by its
Managing Director S.Thangaraj ... Petitioner

vs.

1. The Tamil Nadu Generation and
Distribution Corporation Ltd. (TANGEDCO),
rep. by its Chairman and Managing Director,
10th Floor, No.144, Anna Salai,
Chennai - 2.

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

3. The Superintending Engineer,
TANGEDCO,
Palladam Electricity Distribution Circle,
Palladam. ..Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing 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 third respondent to cause to issue the fresh CC bills for the months of March 2020 - September 2020 falling in the lockdown periods and also to further direct the respondents to refund the excessively collected demand charges from the petitioner.

For Petitioner .. Mr.V.S.Sivasundaram
For Respondents .. Mr.Vijay Kumar
Standing Counsel

O R D E R

The petitioner is a Private Limited Company, manufacturing steel related products and having High Tension Electricity Supply. The Industry was lock down by the order of the Government on account of Covid-19 pandemic situation. Even though the petitioner was not at all running the Industry during complete lock down from 24.03.2020 and is working partially based on the subsequent relaxations provided for the industries after May to till date, the petitioner had received bills from March 2020 upto October 2020 every month towards demand charges to the extent of 90% of the sanctioned demand.

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 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.Vijay Kumar, 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 has been challenged by way of Writ Appeal before the Division Bench of this Court.

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/-
Asst.Registrar (CS III )

/true copy/

Sub Asst. Registrar

vsi

To

1. The Chairman and Managing Director,
Tamil Nadu Generation and
Distribution Corporation Ltd. (TANGEDCO),
10th Floor, No.144, Anna Salai, Chennai - 2.

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

3.The Superintending Engineer,
TANGEDCO,Palladam Electricity Distribution Circle,
Palladam.

+1 cc to M/s.V.S.Sivasundaram Advocate sr7761

W.P.No.2770 of 2021

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