IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2019

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.P.No.8300 of 2021
and
WMP Nos.8841 & 8842 of 2021

M/s.Anuratha Hospitalities
Rep by its Managing Partner
Mr.R.V.Sathyanarayana
Old No.2, New No.3, Venkatanarayana Road,
T.Nagar, Chennai -600 017 ... Petitioner

Vs

1.The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Rep by its Chairman and Managing Director
No.144, Anna Salai,
Chennai - 600 002.

2. The Accounts Officer (Revenue/CEDC/Central)
TANGEDCO,
T.Nagar,
Chennai - 600 017. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the entire records of the 2nd respondent insofar as the High Tension Bill (Provisional) for the month of April 2020 dated 07.05.2020, for May 2020 dated 05.06.2020, for June 2020 dated 06.07.2020 for July dated 06.08.2020 and for August dated 07.09.2020 pertaining to High Tension Consumer Connection vide Service No.019094022421 and quash the same and consequently direct the respondents to rework the HT Bill with Service No.019094022421 and the excess amount shall be adjusted towards the future bills by levying the minimum charges alone by the 2nd respondent for the period from April 2020 to August 2020 and not to levy any penalty for the period under which the petitioner's Lodging cum Restaurant building situated at old No.2, New No.3, Venkatanarayana Road, T.Nagar, Chennai - 600017 was lock down.

For Petitioner : Mr.R.Mohan

For Respondents : Mr.P.R.Dhilip Kumar
Standing Counsel for TANGEDCO

O R D E R

The petitioner is running lodging cum restaurant and having High Tension Electricity Supply and the restaurant was lock 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, the respondents raised invoices by calculating the amount at the rate of 90% of the sanctioned demand, even though the petitioner was not running the restaurant 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 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. However, the 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.

5. Considering the relevant provisions of law and the order passed by this Court and that the restaurants 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 petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

1.The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
No.144, Anna Salai,
Chennai - 600 002.

2. The Accounts Officer (Revenue/CEDC/Central)
TANGEDCO,
T.Nagar,
Chennai - 600 017.

+1cc to Mr.R.Mohan, S.R.No.20844

W.P.No.8300 of 2021

PP(CO)
KM(22/04/2021)