

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2019

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.P.Nos.8533, 8537, 8542, 8555 and 8563 of 2021

and

WMP Nos.9092, 9093, 9098, 9100, 9106, 9107, 9118, 9120, 9124,
9123 of 2021

M/s.Pothys (HTSC No.019094022398)
Rep. By its Partner Mr.S.Ramesh,
S/o.Mr.Sadayandi Mooppanar,
New No.105, Old No.51/3, G.N.Chetty Road,
T.Nagar, Chennai 600 017. Petitioner
in W.P.No.8533/2021

M/s.Pothys (HTSC No.019094022414)
Rep. By its Partner Mr.S.Ramesh,
S/o.Mr.Sadayandi Mooppanar,
No.15, Nageswara Rao Road,
T.Nagar, Chennai 600 017. Petitioner
in W.P.No.8537/2021

M/s.Sri Sankarapandian Stores Pvt. Ltd.
(HTSC No.019094022457),
Rep. by its Authorised Signatory Mr.S.Ramesh,
S/o.Mr.Sadayandi Mooppanar,
No.84 & 85, Usman Road,
T.Nagar, Chennai 600 017. Petitioner
in W.P.No.8542/2021

M/s. The Madras Silks India (Pvt) Ltd.
(HTSC No.099094011045)
rep. by its Authorised Signatory, Mr.P.A.Ravindhiran
S/o Mr.Palanichamy
Old No.90, New No.21, No.1, G.S.T.Road,
Zamin Pallavaram Village,
Chrompet,
Chennai - 600 044. Petitioner
in W.P.No.8555/2021

M/s. The Madras Silks India (Pvt) Ltd.
(HTSC No.019094022576)
rep. by its Authorised Signatory, Mr.P.A.Ravindhiran
S/o Mr.Palanichamy
Nos.66 & 67, Usman road,
T.Nagar,
Chennai - 600 017. Petitioner
in W.P.No.8563/2021

Vs

1.The Tamil Nadu Generation And
Distribution Corporation Limited (TANGEDCO),
Rep. By its Chairman and Managing Director,
No.144, Anna Salai,
Chennai 600 002.1st respondent in all the W.Ps.

2.The Accounts Officer (Revenue/CEDC/Central)
TANGEDCO),
T.Nagar,
Chennai 600 017.2nd Respondent in
W.P.Nos.8533, 8537,8542 &

8563/2021

3.The Accounts Officer (Revenue/CEDC/Chennai South-2)
(TANGEDCO),
K.K.Nagar,
Chennai 600 017.2nd respondent in W.P.Nos.8555/2021

Prayer in W.P.8533/2021:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent in so far as the High Tension Bill (Provisional) for the month of April 2020 dated 06.05.2020, for May 2020 dated 06.06.2020 and for June 2020 dated 06.07.2020 pertaining to High Tension Consumer Connection vide Service No.019094022398 and quash the same and consequently direct the respondents to rework the HT Bill with Service No.019094022398 and the excess amount shall be adjusted towards the future bills by levying the minimum charges alone by the second respondent for the period from April 2020 to June 2020 and not to levy any penalty for the lock down period under which the petitioner's Textile Showroom building situated at New No.105, G.N.Chetty Road, T.Nagar, Chennai 600 017.

Prayer in W.P.8537/2021:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent in so far as the High Tension Bill (Provisional) for the month of April 2020 dated 06.05.2020, for May 2020 dated 05.06.2020 and for June 2020 dated 06.07.2020 pertaining to High Tension Consumer Connection vide Service No.019094022414 and quash the same and consequently direct the respondents to rework the HT Bill with Service No.019094022414 and the excess amount shall be adjusted towards the future bills by levying the minimum charges alone by the second respondent for the period from April 2020 to June 2020 and not to levy any penalty for the lock down period under which the petitioner's Textile Showroom building situated at No.15, Nageswara Rao Road, T.Nagar, Chennai 600 017.

Prayer in W.P.8542/2021:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of

Certiorarified Mandamus, to call for the records of the second respondent in so far as the High Tension Bill (Provisional) for the month of April 2020 dated 05.05.2020, for May 2020 dated 03.06.2020 and for June 2020 dated 04.07.2020 pertaining to High Tension Consumer Connection vide Service No.019094022457 and quash the same and consequently direct the respondents to rework the HT Bill with Service No..019094022457 and the excess amount shall be adjusted towards the future bills by levying the minimum charges alone by the second respondent for the period from April 2020 to June 2020 and not to levy any penalty for the lock down period under which the petitioner's Textile Showroom cum Departmental Stores Building situated at No.84 and 85, Usman Road, T.Nagar, Chennai 600 017.

Prayer in W.P.8555/2021: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 pertaining to High Tension Consumer Connection vide Service No.099094011045 and quash the same and consequently direct the respondents to rework the HT Bill with Service No.099094011045 and the excess amount shall be adjusted towards the future bills by levying the minimum charges alone by the 2nd respondent for the month April 2020 and not to levy any penalty for the lock down period under which the petitioner's Textile cum Jewellery Showroom Building situated at No.1, G.S.T. Road, Chrompet, Chennai - 600 044.

Prayer in W.P.8563/2021: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 pertaining to High Tension Consumer Connection vide Service No.019094022576 and quash the same and consequently direct the respondents to rework the HT Bill with Service No.019094022576 and the excess amount shall be adjusted towards the future bills by levying the minimum charges alone by the 2nd respondent for the periods April 2020 and May 2020 and not to levy any penalty for the lock down period under which the petitioner's Textile cum Jewellery Showroom Building situated at No.66 & 67, Usman Road, T.Nagar, Chennai - 600 017.

For Petitioner : Mr.R.Mohan
in all W.Ps.

For Respondents: Mr.P.Gunaraj
in all W.Ps. Standing Counsel for TANGEDCO

COMMON ORDER

The petitioners are having High Tension Electricity Supply for their Showrooms and the Showrooms were closed due to lock down by the order of the Government on account of the Covid-19 pandemic situation. The petitioners were not running the Showrooms during the complete lock down period from 24.03.2020 onwards but the respondents have raised invoices by calculating the amount at the rate of 90% of the sanctioned demand. Hence, the petitioners have filed the present writ petition.

2. Learned counsel for the petitioners 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 appearing 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 Showrooms were not permitted to function on account of lock down announced by the Government, these Writ Petitions are 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 (CS-VII)

//True copy//

Sub Assistant Registrar

vsi

To

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

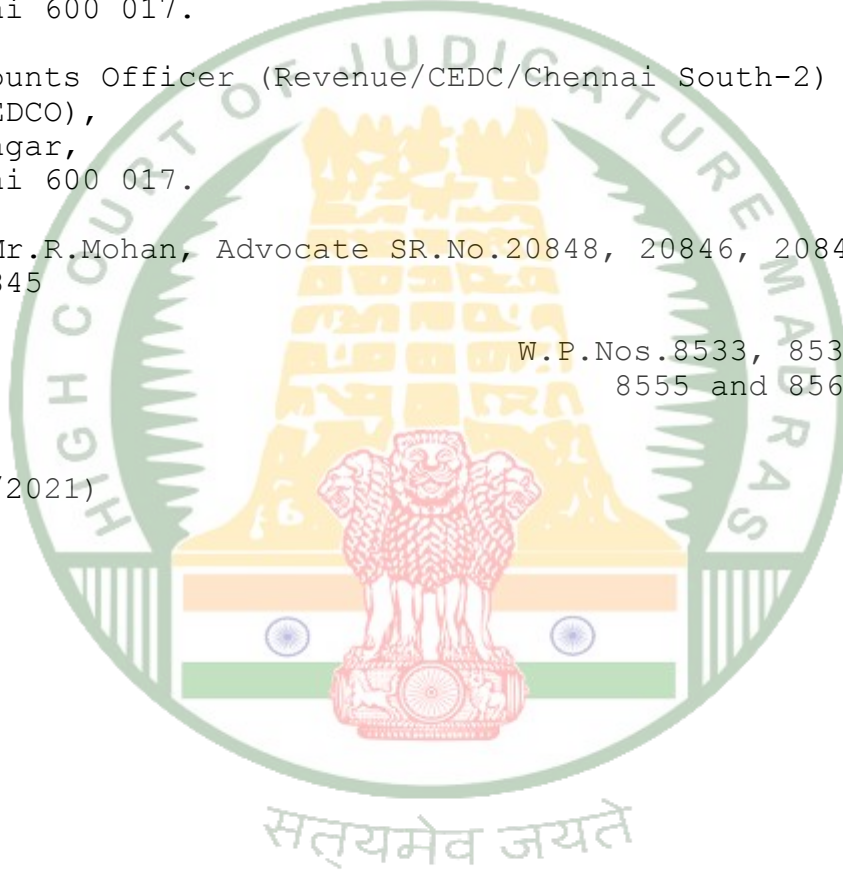
2.The Accounts Officer (Revenue/CEDC/Central)
TANGEDCO),
T.Nagar,
Chennai 600 017.

3.The Accounts Officer (Revenue/CEDC/Chennai South-2)
(TANGEDCO),
K.K.Nagar,
Chennai 600 017.

+5ccs to Mr.R.Mohan, Advocate SR.No.20848, 20846, 20847,
20849, 20845

W.P.Nos.8533, 8537, 8542,
8555 and 8563 of 2021

PL (CO)
GMY (26/04/2021)



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