



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.06.2021

Coram

The Honourable Mr. Justice D. KRISHNAKUMAR

W.P.No.12691 of 2021

M/s.Aitken Spence Hotel
Managements (South India) Pvt. Ltd.,
Rep. by its Authorized Signatory,
144/7, Rajiv Gandhi Salai, OMR, Kottivakkam,
Chennai - 600 041.

...Petitioner

Versus

1.The Chairman & Managing Director,
Tamil Nadu Generation & Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai - 600 002.

2.The Chief Financial Controller/Revenue,
Tamil Nadu Generation & Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai - 600 002.

3.The Accounts Officer/Revenue
O/o. The Superintending Engineer,
EDC/TANGEDCO,
6th Floor, Tan Transco Building,
No.144, Anna Salai, Chennai - 600 002.

...Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 25.02.2021 within a time frame that may be fixed by this Court.

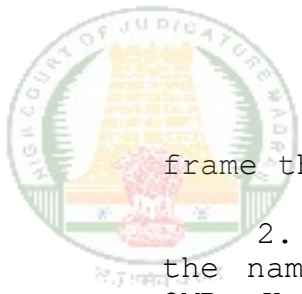
For Petitioner : Mr.K.Venkatesan

For Respondents: Mr.P.Gunaraj,
Senior Counsel

O R D E R

(The case has been heard through video conference)

The relief sought for in the present writ petition is to direct the respondents to consider and pass orders on the petitioner's representation dated 25.02.2021, within a time



frame that may be fixed by this Court.

2. The petitioner management is running a hotel business in the name and style of TURYAA at No.144/7, Rajiv Gandhi Salai, OMR, Kottivakkam, Chennai. The petitioner's Hotel is having HT Power Connection bearing No.099094010930. Due to COVID-19 Pandemic situation, lock down was announced by both the State Government and the Central Government with effect from 22.03.2020, as a result of which, all the hotels, restaurants, and other business establishments were closed. Even during the lock down period, the petitioner was forced to pay 90% of the electricity fixed demand charges. The petitioner management has also paid the entire electricity bills.

2.1. Due to similar practical difficulties, many management of hotels have approached this Court by way of filing the following batch of writ petitions in W.P.Nos.7678, 7679, 9141, 9312, 9537, 9538, 9550, 10012, 10042, 10044, 10031, 9825, 9831, 10087, 10091, 10110, 10164, 8852 and 9689 of 2020. On 14.08.2020, this Court has allowed the aforesaid batch of writ petitions by relying upon the amended provision of Regulation 6 (b) of the Tamil Nadu Electricity Supply Code, 2004.

2.2. Thereafter, the petitioner management made a representation dated 25.02.2021 to the respondents, requesting them to either refund the electricity consumption charges paid by their management in respect of the lock down period i.e., from April 2020 to August 2020 amounting to Rs.9,75,450/- or in the alternative to adjust the said amount against the future electricity consumption charges payable by their management in respect of their HT Power Connection bearing No.099094010930, however, the same was not yet considered by the respondent(s) Corporation. Hence, the petitioner management has filed the present writ petition for the relief stated supra.

3. The learned counsel for the petitioner would submit that even during the period of lock down, the petitioner paid the entire electricity charges only in order to avoid the electricity disconnection. He would further submit that the amended provision of Regulation 6(b) of the Tamil Nadu Electricity Supply Code, 2004 clearly states that the licensee may recover from the consumer a minimum charge at twenty percent of the contracted demand or recorded demand whichever is higher besides charges for the actual consumption of electricity. But here the petitioner was forced to pay 90% of the electricity fixed demand charges. He therefore prays this Court to direct the respondent Corporation to consider the petitioner's representation.



4. Mr.P.Gunaraj, learned Senior counsel takes notice for the respondents. He would fairly submit that the petitioner management has paid the entire electricity charges to the respondent(s) Corporation and therefore, the petitioner's representation would be duly considered by the respondent(s) Corporation as per the amended provision of Regulation 6(b) of the Tamil Nadu Electricity Supply Code, 2004 and appropriate orders would be passed by the respondents, within a time frame as stipulated by this Court.

5. Recording the submission made by the learned Senior counsel for the respondents, this Court directs the third respondent to consider the petitioner's representation dated 25.02.2021 and pass appropriate orders on merits and in accordance with law, as expeditiously as possible, within a period of eight weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

mrr

To

- 1.The Chairman & Managing Director,
Tamil Nadu Generation & Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai - 600 002.
- 2.The Chief Financial Controller/Revenue,
Tamil Nadu Generation & Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai - 600 002.
- 3.The Accounts Officer/Revenue
O/o. The Superintending Engineer,
EDC/TANGEDCO,
6th Floor, Tan Transco Building,
No.144, Anna Salai, Chennai - 600 002.

+1cc to Mr.K.Sunil Sankar Sudhakar, Advocate, S.R.No.28058
W.P.No.12691 of 2021

PCH(CO)
CB(23/07/2021)