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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2021

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.13744 of 2021

and

W.M.P.Nos.14581 & 14182 of 2021

SRR Engineering College,
rep. by its Principal Dr.A.Ezil Sam Leni,
Veeranam Road, Padur Village,
Old Mahabalipuram Road,
Thiruporur, Kancheepuram-603 103.

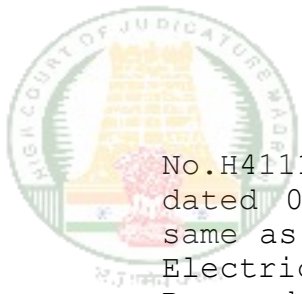
..Petitioner

Vs

1. The Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO)
Rep.by its Chairman & Managing Director,
144, Anna Salai, Chennai-600002.
2. The Chief Financial Controller/Revenue,
Tamil Nadu Generation & Distribution Corporation Ltd. (TANGEDCO)
144, Anna Salai, Chennai-600002.
3. The Accounts Officer/Revenue,
O/o. The Superintending Engineer,
C.E.D.C./South-II,
110, KV SS Complex,
K.K.Nagar, Chennai-78.
4. Tamil Nadu Electricity Regulatory Commission (TNERC)
Rep.by its Secretary, TIDCO Office Building,
No.19-A, Rukmani Lakshmipathi Salai,
Marshals Road, Egmore,
Chennai-600008.

..Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the issuance of Bill No.H4111074122011 dated 11.01.2021, Bill No.H4111074012111 dated 09.02.2021, Bill No.H4111074022111 dated 11.03.2021, Bill No.H4111074032111 dated 03.04.2021, Bill



No.H4111074042111 dated 05.05.2021 and Bill No.H4111074052111 dated 04.06.2021 issued by the Respondent No.1 and quash the same as it is in violation of the Regulation 6 of the Tamil Nadu Electricity Supply Code, 2014 and consequently, direct the Respondent No.1, to issue a fresh bill in accordance with Regulation 6(b) of the Tamil Nadu Electricity Supply Code, 2004 along with directions to the respondent no.1 to levy only minimum charges until the lockdown is lifted and the educational institutions are re-opened.

For Petitioner : Mr.P.Shiva

For Respondents : Mr.Krishna Prasad

ORDER

The grievance of the petitioner in this writ petition relates to levy of Demand Charges by the TANGEDCO is in violation of the order passed by the Tamil Nadu Electricity Regulatory Commission and also in violation of Regulation 6(b) of the Tamil Nadu Electricity Supply Code, 2004.

2. The issue involved in this writ petition was already raised in W.P.Nos.7678 of 2020 etc., batch, wherein the learned Judge, after considering the elaborate arguments made by the learned counsels for the parties and also taking into consideration, Regulation 6(b) of the Tamil Nadu Electricity Supply Code, has allowed the said writ petitions, vide common order dated 14.08.2020, with the following directions:

"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



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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."

Following the aforesaid order passed by this Court, the respondent Board has issued a Circular in Memo No.CFC/REV/FC/REV/DFC/AO/D.698/20 dated 07.10.2020.

3. Now the learned counsel appearing for the petitioner seeks similar relief as granted by this Court in W.P.Nos.7678 of 2020 etc., batch dated 14.08.2020. According to the writ petitioner the writ petition is filed with regard to demand of fresh CC Bills for the current period and also for the CC Bill amount already paid by the petitioner to the respondent Board with protest and seeking refund or adjustment of amount in the future bills.



4. The learned Counsel for the respondent Board would submit that they have preferred a Writ Appeal in W.A.No.836/2020 before this Court and the same is pending without any interim orders.

5. In view of the aforesaid common order passed by this Court in W.P.Nos.7678 of 2020 etc., batch dated 14.08.2020 and the Circular of the Respondents Board dated.7.10.2020, the respondent Board is directed to consider the individual claim of the petitioner by revising the bills, as per the directions issued by this Court in W.P.Nos.7678 of 2020 etc., batch dated 14.08.2020, by taking note of the lockdown notification issued by the State Government from time to time and to take an appropriate decision and to communicate the same to the writ petitioner individually, within a period of six weeks from the date of receipt of a copy of this order. It is also made clear that any decision taken by the respondent Board, will be subject to the outcome of the orders passed in W.A.No.836/2020 filed by the respondent Board.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS II)

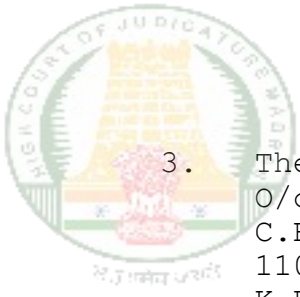
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Sub Assistant Registrar

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To

1. Chairman & Managing Director,
The Tamil Nadu Generation and Distribution
Corporation Ltd. (TANGEDCO)
144, Anna Salai, Chennai-600002.
2. The Chief Financial Controller/Revenue,
Tamil Nadu Generation & Distribution
Corporation Ltd. (TANGEDCO)
144, Anna Salai, Chennai-600002.



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3. The Accounts Officer/Revenue,
O/o. The Superintending Engineer,
C.E.D.C./South-II,
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4. The Secretary, TIDCO Office Building,
Tamil Nadu Electricity Regulatory Commission (TNERC)
No.19-A, Rukmani Lakshmipathi Salai,
Marshals Rad, Egmore,
Chennai-600008.

W.P.No. 13744 of 2021

PMK(CO)
PM(28/07/2021)