



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2021

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.Nos. 13264, 13265, 13269, 13273, 13276, 13278,
13280, 13284 of 2021

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- 1 CONCERIA INTERNATIONAL PVT.
LTD. HT SERVICE NO.89094121326 REP. BY ITS
MANAGING DIRECTOR MR.D.PRAKASH NO.2 C
AMMOOR ROAD MANTHANGAL VILLAGE
RANIPET 632 401.
... PETITIONER in WP No.13264 of 2021
- 1 MR.T.MOHAMED HANEEF
SOLE PROPRIETOR M/SHANSA LEATHER EXPORTS HT
SERVICE NO.89094121135 NO.49 KATHIVADI ROAD
MELVISHARAM 632 509.
... PETITIONER in WP No.13265 of 2021
- 1 K.H.EXPORTS INDIA PVT. LTD.
HT SERVICE NO099094000489 REP. BY ITS
MANAGING DIRECTOR MR.M.ABDUL WAHIB DOOR NO.
4/74 C.O.C. STREET SENNER KUPPAM
POONAMALLEE
TIRUVALLUVAR DIST
... PETITIONER in WP No.13269 of 2021
- 1 ORIENTAL SHOE FABRIKS
HT SERVICE NO. 089094121253 REP BY ITS VICE
PRESIDENT (COMMERCIAL)MR.G.MOHAMED
KALEEMULLAH SUDHUPERI VILLAGE
VELLORE-632 003
... PETITIONER in WP No.13273 of 2021
- 1 MUMTAJ LEATHER
HT SERVICE NO. 89094121140 REP BY ITS VICE
PRESIDENT (COMMERCIAL)MR.G.MOHAMED
KALEEMULLAH NO.257 KATHWADI ROAD
MELVISHARAM
RANIPET 632 509
... PETITIONER in WP No.13276 of 2021



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1 K.A.S.BASHU AND CO
HT SERVICE NO. 89094121157 REP BY ITS
PARTNER V.IMRAN NO.109 M.B.TRUNK ROAD
RANIPET-632 401

... PETITIONER in WP No.13278 of 2021

1 GOOD LEATHER COMPANY
HT SERVICE NO. 89094121218 REP BY ITS
PARTNER R.SEKARAN M.B.T.ROAD CROSS
RANIPET-632 401

... PETITIONER in WP No.13280 of 2021

1 SOLAR SOLES PVT LTD
HT SERVICE NO. 089094121236 REP BY ITS
DIRECTOR MALAK AKBER HUSSAIN 140 MADRAS
BOMBAY TRUNK ROAD RANIPET-632 401
WALAJA PET TALUK

... PETITIONER in WP No.13284 of 2021

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 Superintending Engineer,
O/o. The Superintending Engineer,
Vellore Electricity Distribution Circle/, TANGEDCO,
Kamarajar Building, No.15, 10th East Main Road,
Gandhi Nagar, Vellore-632006.
4. The Accounts Officer/Revenue,
O/o. The Superintending Engineer,
Vellore Electricity Distribution Circle/, TANGEDCO,
Kamarajar Building, No.15, 10th East Main Road,
Gandhi Nagar, Vellore-632006.
5. Tamil Nadu Electricity Regulatory Commission (TNERC)
Rep.by its Secretary, TIDCO Office Building,
No.19-A, Rukmani Lakshmipathi Salai,
Marshals Rad, Egmore, Chennai-600008.

..Respondents in all Wp's.



COMMON PRAYER IN WP Nos.13264, 13265, 13269, 13273, 13276, 13278 & 13284 of 2021:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, Calling for the impugned records of the 4th respondent culminating in the impugned High Tension Bills (Provisional) bearing Bills (Provisional) bearing Bill No.90941211326042001 dated 07/04/2020 for the month of March 2020, Bill No.90941211326052001 dated 07/05/2020 for the month of April 2020 and Bill No.9094121326062001 dated 01/06/2020 for the month of May 2020,

Bill No.9094121135042001 dated 04/04/2020 for the month of March 2020, Bill No.9094121135052001 dated 08/05/2020 for the month of April 2020 and Bill No.9094121135062001 dated 04/06/2020 for the month of May 2020,

Bill No.9094000489042001 dated 08/04/2020 for the month of March 2020, Bill No.9094000489052001 dated 09/05/2020 for the month of April 2020 and Bill No.9094000489062002dated 08/06/2020 for the month of May 2020,

Bill No. 9094121253042001 dated 03.04.2020 for the month of March 2020 bill No.9094121253052001 dated 07.05.2020 for the month of April 2020, Bill No. 9094121253062001 dated 03.06.2020 for the month of May 2020,

Bills (Provisional) bearing Bills (Provisional) bearing Bill No. 9094121140042001 dated 07.04.2020 for the month of March 2020 bill No.9094121140052001 dated 7.5.2020 for the month of April 2020, Bill No. 9094121140062001 dated 03.06.2020 for the month of May 2020,

Bills (Provisional) bearing Bills (Provisional) bearing Bill No. 90941211570442001 dated 04.04.2020 for the month of March 2020 bill No.9094121157052001 dated 08.05.2020 for the month of April 2020, Bill No. 9094121157062001 dated 04.06.2020 for the month of May 2020,

Bill No.9094121236042001 dated 04.04.2020 for the month of March 2020 bill No.9094121236052001 dated 08.05.2020 for the month of April 2020, Bill No. 9094121236062001 dated 04.06.2020 and Bill No.H4121236052111 dated 02.06.2020 for the month of May 2020 respectively,

Issued to the petitioner in violation of Regulation 6 (b) of the TamilNadu Electricity Supply code, 2004 quash the same and consequently direct the Respondents 1 to 4 to revise and re-issue the said impugned bills by levying Demand Charges at the



rate of 20 percentage of the contracted demand or recorded demand whichever is higher in accordance with the said Regulation 6 (b) of the TamilNadu Electricity Supply code 2004 for the lockdown and restricted working period imposed by the Governments, and to duly adjust towards the petitioner's future Bills the huge amounts collected from the petitioner during the said periods towards Demand Charges.

PRAYER IN W.P No.13280 of 2021

calling for the records of the 4th Respondent culminating in the impugned High Tension Bills (Provisional) bearing Bills (Provisional) bearing Bill No. 9094121218052001 dated 08.05.2020 for the month of April 2020 issued to the petitioner in violation of Regulation 6 (b) of the TamilNadu Electricity Supply code, 2004 quash the same and consequently direct the Respondents 1 to 4 to revise and re-issue the said impugned bills by levying Demand Charges at the rate of 20 percentage of the contracted demand or recorded demand whichever is higher in accordance with the said Regulation 6 (b) of the TamilNadu Electricity Supply code 2004 for the lockdown and restricted working period imposed by the Governments.

For Petitioner in All W.P.s : Mr.K.M.Aasim Shehzad
for M/s.BFS Legal

For Respondents in All W.P.s : Mr.M.Varumkumar,
Standing Counsel
for TANGEDCO

COMMON ORDER

The common grievance of the petitioners in these batch of writ petitions relates to challenge of the levy of Demand Charges by the TANGEDCO in violation of the order passed by the Tamil Nadu Electricity Regulatory Commission as also in violation of Regulation 6(b) of the Tamil Nadu Electricity Supply Code, 2004.

2. The issue involved in all these writ petitions were 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:



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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 petitioners seek similar relief as granted by this Court in W.P.Nos.7678 of 2020 etc., batch dated 14.08.2020. According to the writ petitioners, they have already paid the CC Bill amount to the respondent Board with protest and seeking refund or adjustment of amount already paid in the future bills.

4. The learned Standing Counsel appearing 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 petitioners 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 appropriate decision and to communicate the same to the writ petitioners 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 respondents Board, will be subject to the outcome of the orders passed by this Court in W.A.No.836/2020 filed by the respondent Board.

6. With the above direction, these writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman & Managing Director,
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.
3. The Superintending Engineer,
O/o. The Superintending Engineer,
Vellore Electricity Distribution Circle,
TANGEDCO, Kamarajar Building, No.15, 10th East Main Road,
Gandhi Nagar, Vellore-632006.
4. The Accounts Officer/Revenue,
O/o. The Superintending Engineer,
Vellore Electricity Distribution Circle,
TANGEDCO, Kamarajar Building, No.15,
10th East Main Road,
Gandhi Nagar, Vellore-632006.



5. The Secretary,
Tamil Nadu Electricity Regulatory Commission (TNERC)
TIDCO Office Building, No.19-A,
Rukmani Lakshmipathi Salai,
Marshals Rad, Egmore,
Chennai-600008.

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13280, 13284 of 2021 and
W.M.P.Nos. 14073, 14077, 14087, 14090,
14093, 14094, 14095, 14102 of 2021

SKY (CO)
SU (30/07/2021)