



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 14.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.14566 of 2021

and

WMP No.15457 of 2021

Vimal Kumar Galada

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Electricity Board,
No.800, Anna Salai, Chennai 600 002.
2. Tamil Nadu Generation & Distribution
Corporation Limited (TANGEDCO),
Rep. by its Chairman and MD,
No.144, Anna Salai, Chennai 600 002.
3. The Chief Financial Controller/Revenue,
Tamil Nadu GEneration & Distribution
Corporation Limited (TANGEDC),
No.144, Anna Salai, Chennai 600 002.
4. The Accounts Officer/ Revenue
C/o The Superintending Engineer,
Chennai South-2,
Chennai 600 078.
5. Tamil Nadu Electricity Regulatory Commission,
Rep. by its Secretary, TIDCO Office Building,
No.19-A, Rukmani Lakshmipathy Salai,
Egmore, Chennai 600 008. Respondents

Prayer: Writ petition filed under Section 226 of the Constitution of India to issue a writ of Mandamus directing the first and second respondents, their men, officers, agents, servants, representatives and or any one claiming through or under them to strictly comply with the order dated 04.05.2020 passed in Suo-Moto Proceedings No.2/2020 by the fifth respondent and Regulation 6(b) of the Tamil Nadu Supply Code, 2004 in respect of Demand Charges and to further refrain from levying, demanding and collecting any compensation charges, etc., for low PF or for not maintaining the stipulated Power Factor (PF) limit during the lock down period imposed by the Governments and to duly refund any such amounts already collected from the petitioner.



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For petitioner : Ms. Krithika
for M/s Surana and Surana

For respondents : Mr. Jai Venkatesh, TNEB
for R1 to R5.

ORDER

This writ petition has been filed to issue a writ of Mandamus directing the first and second respondents, to strictly comply with the order dated 04.05.2020 passed in Suo-Moto Proceedings No.2/2020 by the fifth respondent and Regulation 6(b) of the Tamil Nadu Supply Code, 2004 in respect of Demand Charges and to further refrain from levying, demanding and collecting any compensation charges, etc., for low PF or for not maintaining the stipulated Power Factor (PF) limit during the lock down period imposed by the Governments and to duly refund any such amounts already collected from the petitioner.

2. The grievance of the petitioner is relate to challenge of the levy of Demand Charges by the TANGEDCO 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.

3. The issue involved in this writ petition is 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;



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 lock down."

3. Now the learned counsel appearing for the petitioner 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 petitioner, he has already paid the CC Bill amount to the



respondent Board with protest and seeking refund or adjustment of amount in the future bills.

4. The learned Standing Counsel for the respondents 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, the respondent Board is directed to consider the 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 appropriate decision and to communicate the same to the writ petitioner, 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 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 petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mst

To

1. The Chairman, Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai 600 002.
2. The Chairman and MD,
Tamil Nadu Generation & Distribution
Corporation Limited (TANGEDCO),
No.144, Anna Salai, Chennai 600 002.
3. The Chief Financial Controller/Revenue,
Tamil Nadu Generation & Distribution
Corporation Limited (TANGEDCO),
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4. The Accounts Officer/ Revenue
C/o The Superintending Engineer,
Chennai South-2,
Chennai 600 078.



5. Tamil Nadu Electricity Regulatory Commission,
Rep. by its Secretary, TIDCO Office Building,
No.19-A, Rukmani Lakshmipathy Salai,
Egmore, Chennai 600 008.

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+1cc to Mr.Jai Venkatesh, Advocate, S.R.No.33637
+1cc to Mr.Surana & Surana, Advocate, S.R.No.33107

W.P.No.14566 of 2021 and
WMP No.15457 of 2021

SKY(CO)
GN(09/08/2021)