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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2021

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.14732 of 2021

M/s.Sathyabama University Dental College and Hospital,
Jeppiaar Nagar, Rajiv Gandhi Salai,
Sholinganallur,
Chennai-600 119

...Petitioner

-Vs-

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

2.The Chief Financial Controller-Revenue
TANGEDCO Ltd.,
NPKRR Maligai, No.144, Anna Salai,
Chennai-600 002

3.The Tamil Nadu Electricity Regulatory Commission,
No.19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai-600 008

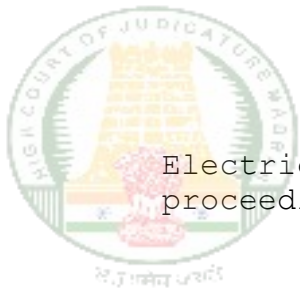
4.The Government of Tamil Nadu,
rep. by its Secretary to Government,
Energy Department, Fort St George,
Chennai-600 009

5.The Superintending Engineer,
TANGEDCO,
CEDC/SOUTH-II,
110, KV, SS Building, K.K.Nagar,
Chennai-600 078

6.The Deputy Financial Controller,
TANGEDCO,
CEDC/SOUTH-II,
110, KV, SS Building, K.K.Nagar,
Chennai-600 078.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the
Constitution of India, to issue a Writ of Mandamus, directing
the respondents to consider the petitioner's representation
dated 18.02.2021 in the light of the orders of the Tamil Nadu



Electricity Regulatory Commission dated 04.05.2020 delivered in proceedings no.2 of 2020.

For Petitioner : Mr.N.Saravana Kumar

For Respondents : Mr.L.Jaivenkatesh

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ORDER

This Writ Petition has been filed seeking a direction to the respondents to consider the petitioner's representation dated 18.02.2021 in the light of the orders of the Tamil Nadu Electricity Regulatory Commission dated 04.05.2020 delivered in proceedings no.2 of 2020.

2.The learned counsel for the petitioner submitted that the petitioner University made a representation on 18.02.2021 to the respondents to consider its representation in the light of the orders of the Tamil Nadu Electricity Regulatory Commission dated 04.05.2020 delivered in proceedings no.2 of 2020 and the judgment of this Court in WP.Nos.7678 & 7679 of 2020 and etc batch. But so far, no order has been passed by the respondents. Hence, the present Writ Petition has been filed by the petitioner.

3.Heard Mr.Saravana Kumar, learned counsel for the petitioner and Mr.L.Jaivenkatesh, learned counsel for the respondents.

4.This Court has also passed several identical orders by directing the authorities to pass appropriate orders taking note of the earlier orders passed by this Court. On earlier occasions, in W.P.Nos.7678 and 7679 of 2020 etc. batch, this Court having considered the facts and circumstances and the similar issue as involved in the present Writ Petition, has held as under in para 45:

"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



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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 he 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 TA 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."

5. Having regard to the above, this Court is of the view that the above said order will hold good to the present Writ Petition also. Accordingly, the Writ Petition is disposed of, directing the respondents to consider the representation of the



petitioner dated 18.02.2021 in the light of the above cited order of this Court and on merits and in accordance with law within a period of 8 weeks from the date of receipt of a copy of this order. No costs.

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Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Chairman and Managing Director,
Tamil Nadu Generation & Distribution
Corporation Limited(TANGEDCO),
144, Anna Salai, Chennai -600 002
- 2.The Chief Financial Controller-Revenue
TANGEDCO Ltd.,
NPKRR Maligai, No.144, Anna Salai,
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- 3.The Tamil Nadu Electricity Regulatory Commission,
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- 4.The Secretary to Government,
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Energy Department, Fort St George,
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- 6.The Deputy Financial Controller,
TANGEDCO,
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110, KV, SS Building, K.K.Nagar,
Chennai-600 078.

+1cc to Mr.N.Saravana Kumar, Advocate, S.R.No.34157
+1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No.34685

W.P.No.14732 of 2021

PMK(CO)
CB(13/08/2021)