



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 20.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.14863, 14867 of 2021 and
WMP No.15739, 15743 of 2021

M/s Ashok Leyland Limited,
HTSC No.019094041283,
Registered office No.1, Sardar Patel Road,
Guindy, Chennai 600 032.
rep. by its authorized signatory
Mrs.D.Santhi ... Petitioner in W.P.No.14863/2021

M/s Ashok Leyland Limited,
HTSC No.019094041015
Registered office No.1, Sardar Patel Road,
Guindy, Chennai 600 032.
rep. by its authorized signatory
Mrs.D.Santhi ... Petitioner in W.P.No.14867/2021

Vs.

1. Tamil Nadu Generation & Distribution Corporation Limited (TANGEDCO),
Rep. by its Chairman and Managing Director,
No.144, Anna Salai, Chennai 600 002.
2. The Chief Financial Controller-revenue,
(TANGEDCO), 7th floor,
No.144, Anna Salai, Chennai 600 002.
3. The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Chennai electricity Distribution Circle/North Chennai.
.... Respondents in both writ petitions

Prayer in both writ petitions: Writ petition filed under Section 226 of the Constitution of India to issue a writ of Mandamus directing the respondents to extend the benefit of the order of this court dated 14.08.2020 passed in W.P.No.7678 of 2020, in a similar batch matter and to apply the order of this court, as per Article 14 of the Constitution of India to the petitioner also and consequently direct the third respondent to cause to issue the fresh CC bills for the months of April 2020- September 2020 falling in the lockdown period and also to further direct the respondents to refund



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excessively collected demand charges from the petitioner.

In both the writ petitions

For petitioner : Mr.S.P.Parthasarathy

For respondents : Mr.Jai Venkatesh, TNEB
for R1 to R3.

COMMON ORDER

Both This writ petitions have been filed writ of Mandamus directing the respondents to extend the benefit of the order of this court dated 14.08.2020 passed in W.P.No.7678 of 2020, in a similar batch matter and to apply the order of this court, as per Article 14 of the Constitution of India to the petitioner also and consequently direct the third respondent to cause to issue the fresh CC bills for the months of April 2020- September 2020 falling in the lockdown period and also to further direct the respondents to refund excessively collected demand charges from the petitioner.

2. The petitioner, has got two High Tension Service connections in HTSC No.019094041283 and HTSC No.019094041015 and the respondent Board had issued CC bills for the months April 2020 to September 2020 for the above said two HTSC. According to the petitioner, the levy of Demand charge 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. Hence, both the writ petitions have been filed seeking the relief as sought for in the writ petitions.

3. The issues 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:



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 the court, the respondent Board has issued a Circular in Memo No.CFC/REV/FC/REV/DFC/AO/D.698/20 dated 07.10.2020.

4. 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. He would further submitted that the petitioner has already paid the amounts for the CC bills for the month of April 2020 with protest and hence, he prayed to refund or adjustment of amounts in the future bills, as per the provisions of law.

5. 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.

6. 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 07.10.2020, the respondents 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.

7. With the above direction, the writ petitions in W.P.No.14863 of 2021 and W.P.No.14867 are disposed of. No costs. Consequently, connected writ miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mst

To

1. Tamil Nadu Generation & Distribution Corporation Limited (TANGEDCO),
Rep. by its Chairman and Managing Director,
No.144, Anna Salai, Chennai 600 002.



2. The Chief Financial Controller-revenue,
(TANGEDCO), 7th floor,
No.144, Anna Salai, Chennai 600 002.

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3. The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Chennai electricity Distribution Circle/North
Chennai.

+2CCs to Mr.C.Jai Venkatesh, Advocate SR.No.34687
+2CCs to Mr.S.Pandiaraj, Advocate SR.No.34506

W.P.No.14863, 14867 of 2021 and
WMP No.15739, 15743 of 2021

SR (CO)
A.SK(31.08.2021)