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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.15483 OF 2021 AND
W.M.P.NO.16417 OF 2021

Madhucon Granites Ltd.,
Rep. by its Authorized Signatory,
K.Sethuraman.
HT SC.No.0292, 139, Addakurukki (V),
Kammandoddi Post, Hosur,
Krishnagiri Dist. ... Petitioner

.Vs.

1. Tamil Nadu Generation & Distribution
Corporation Limited (TANGEDCO),
Rep. by its Chairman and Managing Director,
10th Floor, 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,
TANGEDCO,
Krishnagiri Electricity Distribution Circle,
Krishnagiri. ... Respondents

PRAYER:- The Writ Petition is filed under Article 226 of Constitution of India for writ of Mandamus, directing the respondents to extend the benefit of the order of this Hon'ble 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 3rd respondents to cause to issue the fresh CC bills for the months of March 2020 - May 2020 falling in the lockdown periods and also, to further direct the respondents to refund the excessively collected demand charges from the petitioner.

For Petitioner : Mr.S.P.Parthasarathy

For Respondent No.1 to 3 : Mr.L.Jai Venkatesh, TNEB

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O R D E R

The petitioner seeks relief 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 pass order on the same line in the present writ petition also and consequently direct the 3rd respondents to issue fresh CC bills for the months of March 2020 - May 2020 falling in the lockdown periods and also, to further direct the respondents to refund the excessively collected demand charges from the petitioner.

2. The grievance of the petitioner 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 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 batch of 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 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

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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 lock down."

4. 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, he has already paid the CC Bill for the month of April 2020 to the respondent Board under protest and seeking refund or adjustment of amount in the future bills.

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, the respondent Board is directed to consider the claim of the

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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, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman and Managing Director,
   Tamil Nadu Generation & Distribution
   Corporation Ltd. (TANGEDCO),
   10th Floor, 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,
   TANGEDCO, Krishnagiri Electricity Distribution Circle,
   Krishnagiri.

+1cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.36357 (13/09/2021)
+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.37467

W.P.NO.15483 OF 2021 AND
W.M.P.NO.16417 OF 2021

PM(CO)
PBS/19/08/2021

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