



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 29.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.15728 of 2021 and
WMP No.16628 of 2021

GBJ Hotels Private Limited,
HTSC No.409, 164/165, Avinashi Road,
Peelamedu, Coimbatore 641 004,
rep. by its Managing Director
G.Balasubramaniam

...Petitioner

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,
(TANGEDCO), Coimbatore Metro Electricity
Distribution Circle,
Coimbatore.

...Respondents

Prayer:Writ petition filed under Section 226 of the Constitution of India seeking to issue a writ of Mandamus directing the respondents to extend the benefit of the order of this court dated 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 May 2021, June 2021 falling in the second wave of Covid-19 lockdown periods and also further direct the respondents to refund the excessively collected demand charges from the petitioner.

For petitioner : Mr.S.P.Parthasarathy

For respondents Mr.M.Abul Kalam, TNEB
for R1 to R3.



ORDER

This writ petition has been filed seeking to issue a writ of Mandamus directing the respondents to extend the benefit of the order of this court dated 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 May 2021, June 2021 falling in the second wave of Covid-19 lockdown periods and also further direct the respondents to refund the excessively collected demand charges from the petitioner.

2. The petitioner, who aggrieved over the levy of Demand charges for the month of May 2021 and June 2021, 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, has sought the above said relief in this writ petition.

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:

- 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;



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7. 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.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

mst

To

1. The Chairman and Managing Director,
Tamil Nadu Generation & Distribution
Corporation Limited (TANGEDCO),
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), Coimbatore Metro Electricity
Distribution Circle,
Coimbatore.

+1cc to Mr.R.S.Pandiyaraj, Advocate, Sr.No.36509

W.P.No.1578 of 2021 and
WMP No.6628 of 2021

JPL(CO)
KKV/30/07/2021