



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2021

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P.(MD)No.775 of 2021

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Daiwik Hotels Private Limited,  
(Registered under Company Act, 2013)  
Represented by Ms.Saraswathi Chitur Mahadevan,  
No.56D, Bangur Avenue 1st Floor, Flat 1B,  
Kolkata-700055,  
West Bengal.

... Petitioner

Vs

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

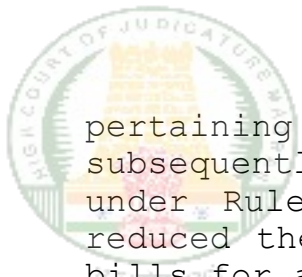
2.The Superintending Engineer,  
Tamil Nadu Generation & Distribution  
Corporation Limited (TANGEDCO)  
Near RTO Office,  
Bharathi Nagar,  
Ramanathapuram-623503.

3.The Assistant Engineer,  
Rameshwaram-Verkodu Road,  
Back side of Bus stand  
Rameshwaram-623526,  
Ramanathapuram District.

4.Tamil Nadu Electricity Regulatory Commission (TNERC)  
represented by its Secretary,  
TIDCO Office Building, No.19-A, Rukmani  
Lakshmipathy Salai, Marshalls Road, Egmore,  
Chennai-600 008.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the issuance of original impugned High Tension Bills (Provisional) issued by the fourth respondent for the month of April 2020 (Bill No 9094780037052001, dated 05.05.2020) and for the month of May 2020 (Bill No 9094780037062001, dated 03.06.2020) and for the month of June 2020 (Bill No 9094780037072002, dated 03.07.2020) and for the month of July 2020, (Bill No.9094780037082001, dated 04.08.2020) and for the month of August 2020 (Bill No.909478003709200, dated 09.09.2020) and for the month of September 2020 (Bill No 9094780037102001, dated 03.10.2020)



pertaining to Service No.059094780037 and quash the same and subsequently, direct the second respondent to extend the benefits under Rule No.6b of the Tamil Nadu Electricity Supply Code and reduced the demand charge and refund the excess amount paid in the bills for a period of April to September.

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For Petitioner : Mr.K.K.Samy  
For R1 to R3 : Ms.M.Parameshwari  
for Mr.S.M.S.Johny Basha  
Additional Government Pleader  
For R4 : Mr.P.Maharajan

**ORDER**

Heard the learned counsel on either side.

2.It is not in dispute that the case on hand is covered by the order dated 14.08.2020 passed in W.P.Nos.7678 of 2020 etc batch. The learned Judge allowed all the said writ petitions in the following terms.

"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 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 .1.16 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.

4.All the writ petitions are accordingly allowed. Before parting with this case, this Court wishes to appreciate the efforts taken by each and every counsel who assisted this Court to conduct the entire hearing through video conferencing and particularly on a Court holiday. If not for the cooperation of the learned counsels, this Court would not have been able to decide these batch of writ petitions. This Court wishes that this trend continues and this institution proves itself effective in dispensing justice even during this pandemic situation. "

3.In view of the same, the present writ petition is allowed on the same terms. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

The Additional Public prosecutor,  
Madurai Bench of Madras High Court,  
Madurai

+1 CC to M/s.K.K.SAMY, Advocate ( SR-1446[F] dated  
20/01/2021 )

W.P. (MD) No.775 of 2021  
20.01.2021

NA (CO)  
KB (05.02.2021) 4P 3C