



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.10.2021
CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

WEB COPY

W.P (MD).Nos.17941, 17942, 17943, 17198, 17888 and 15451 of 2021
and
W.M.P.(MD)Nos.14804, 14808, 14807, 14075,
14760, 12349 and 12350 of 2021

M/s.Sangu Chakra Hotels Pvt., Ltd.,
Rep. by its Executive Director,
No.168, Alagar Koil Salai,
Athikulam, Madurai 625 002.

... Petitioner in W.P.(MD)No.17941 of 2021

M/s Sangu Chakra Hotels Pvt Ltd.,,
Rep. by its Executive Director,
Trichy Main Road, Thanjavur,
Avusahibthottam, Thanjavur - 613007.

... Petitioner(s) in WP(MD). 17942/ 2021

M/s Sangu Chakra Hotels Pvt Ltd.,,
Rep by its Executive Director,
Collector Office Road, Trichy 1.

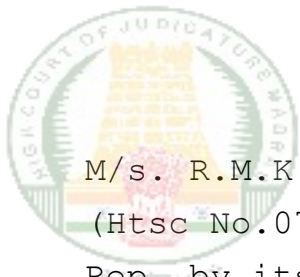
... Petitioner(s) in WP(MD). 17943/ 2021

M/s.Pothys Private Limited (Hisc No.069094420261),
Rep. by its Director Mr.S.Ramesh, S/o.
Mr. Sadayandi Mooppanar,
Ar Brito Colony and Rogers Colony, West Boulevard Road,
Tiruchirappalli- 627 002

... Petitioner(s) in WP(MD). 17198/ 2021

M/s Pothys Private Limited (Htsc No.079094720186)
Rep.By its Director S.Ramesh,
S/o. Sadayandi Mooppanar,
No.4,A,B,C - Sathyamurthy Street,
Tirunelveli Town, Tirunelveli 627 006

... Petitioner(s) in WP(MD). 17888/ 2021



M/s. R.M.K Viswanatha Pillai And Sons,
(Htsc No.079094720195),

Rep. by its Authorised Signatory,

Mr. K. Hariharan,

S/o. Mr. S.V. Krishnan,

Old S.F. No.73/1a1 to 75-2-Rmkv Building,

Thiruvananthapuram Road, Vannarpettai

... Petitioner(s) in WP(MD). 15451/ 2021

Vs.

1.The Accounts Officer/Revenue,
High Tension Bill Section,
Metro Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Madurai Metro, Madurai-625 007.

2.The Superintending Engineer,
Metro Electricity Distribution Circle,
K.pudhur,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Madurai-625 007.

3.The Executive Engineer,
Metro Electricity Distribution Circle,
K.pudhur, Madurai Metro,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Madurai-625 007.

4.The Assistant Executive Engineer,
Metro Electricity Distribution Circle, K.K.Nagar,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Madurai-625 007.

...Respondents in W.P.(MD)No.17941 of 2021

1.The Accounts Officer / Revenue,
High Tension Bill Section,
Thanjavur Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Thanjavur-613007.



2.The Superintending Engineer

Thanjavur Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,No.1,
Vallam Road, Thanjavur-613007.

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3.The Executive Engineer

Operations and Maintenance Urban.

Tamil Nadu Generation and Distribution Corporation Ltd.,No.1,
Vallam Road, Thanjavur-613007.

4.The Assistant Executive Engineer,

Operations and Maintenance Urban,

Tamil Nadu Generation and Distribution Corporation Ltd.,No.1,
Vallam Road, Thanjavur-613007.

... Respondent(s) in WP(MD). 17942/ 2021

1.The Assistant Accounts Officer / High Tension,

High Tension Bill Section,

Trichy Electricity Distribution Circle,

Tamil Nadu Generation and Distribution Corporation Ltd.,
Trichy -620 020.

2.The Superintending Engineer

Trichy Electricity Distribution Circle/metro,

Tamil Nadu Generation and Distribution Corporation Ltd.,
Mannarpuram, Trichy 620 020.

3.The Executive Engineer

Trichy Electricity Distribution Circle/metro,

Tamil Nadu Generation and Distribution Corporation Ltd.,
Thennur High Road, Anna Nagar, Thennur, Trichy.

4.The Assistant Executive Engineer,

Trichy Electricity Distribution Circle/metro,

Tamil Nadu Generation and Distribution Corporation Ltd.,
Thennur High Road, Anna Nagar, Thennur,

Trichy-620 017.

... Respondent(s) in WP(MD). 17943/ 2021



1.The Tamil Nadu Generation

And Distribution Corporation Ltd., (Tangedco),

Rep. by its Chariman and Managing Director,

No.144, Anna Salai, Chennai 600002.

2.The Accounts Officer (Revenue),

Tangedco,

O/o. Superintending Engineer,

Trichy Electricity Distribution Circle - Metro,

Trichy.

... Respondent(s) in WP(MD). 17198/ 2021

1.The Tamil Nadu Generation

And Distribution Corporation Limited (Tangedco),

Rep by its Chairman and Managing Director No.144,

Anna Salai, Chennai 600 002.

2.The Accounts Officer (Revenue),

Tangedco,

O/o. Superintending Engineer,

Tirunelveli Electricity Distribution Circle,

Tirunelveli.

... Respondent(s) in WP(MD). 17888/ 2021

1.The Tamil Nadu Genenration

And Distribution Corporation Limited (Tangedco),

Rep. by its Chairman and Managing Director,

No.144, Anna Salai, Chennai 2.

2.The Accountes Officer (Revenue),

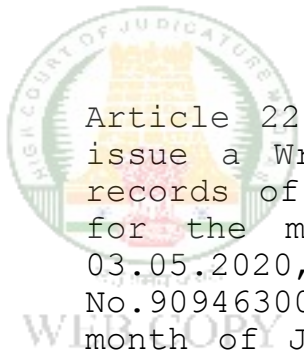
Tangedco, O/o. Superintending Engineers,

Tirunelveli Electricity Distribution Circle,

Tirunelveli.

... Respondent(s) in WP(MD). 15451/ 2021

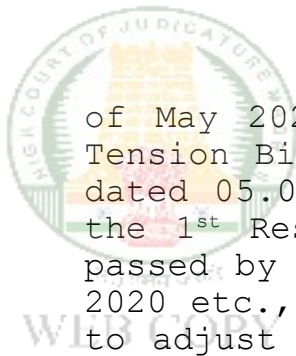
Prayer in W.P.(MD)No.17941 of 2021 : Writ Petition filed under <https://hse.courts.gov.in/hse/services>



Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records of the respondents which culminated in High Tension Bill for the month of April 2020 in Bill No.9094630024052001 dated 03.05.2020, High Tension Bill for the month of May 2020 in Bill No.9094630024062001 dated 03.06.2020, High Tension Bill for the month of June 2020 in Bill No. 9094630024072002 dated 05.07.2020, High Tension Bill for the month of July 2020 in Bill No. 9094630024082002 dated 05.08.2020, High Tension Bill for the month of April 2021 in Bill No.H4630024042111 dated 04.05.2021, High Tension Bill for the month of May 2021 in Bill No.H4630024052111 dated 04.06.2021 and High Tension Bill for the month of June, 2021 in Bill No. H4630024062111 dated 05.07.2021 for Service Connection No.059094630024 issued by the first respondent and quash the same in the light of the orders passed by this Court in batch of W.P.No.7678 of 2020 etc., dated 14.08.2020 and consequently direct the respondents to adjust the amount already paid by the petitioner in the future bills starting from the month of October 2021 onwards.

Prayer in WP(MD). 17942/ 2021 :- Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the entire records of the Respondents which culminated in High Tension Bill for the month of April 2020 in Bill No.9094440052052001 dated 04.05.2020, High Tension Bill for the month of May 2020 in Bill No.9094440052062001 dated 04.06.2020, High Tension Bill for the month of June 2020 in Bill No.9094440052072001 dated 07.07.2020, High Tension Bill for the month of July 2020 in Bill No.9094440052082001 dated 04.08.2020, High Tension Bill for the month of April 2021 in Bill No.H4440052042111 dated 04.05.2021, High Tension Bill for the month of May 2021 in Bill No.H4440052052111 dated 04.06.2021, and High Tension Bill for the month of June, 2021 in Bill No.H440052062111 dated 03.07.2021 for service connection No.069094420052 issued by the 1st Respondent and quash the same in the light of the orders passed by this Hon'ble High Court made in batch of W.P.No.7678 of 2020 etc., dated 14.08.2020 and consequently direct the Respondents to adjust the amount already paid by the petitioner in the future bills starting from the month of October 2021.

Prayer in WP(MD). 17943/ 2021 :- Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the entire records of the Respondents which culminated in High Tension Bill for the month of April 2020 in Bill No.9094420032052001 dated 06.05.2020, High Tension Bill for the month of May 2020 in Bill No. 9094420032062001 dated 05.06.2020, High Tension Bill for the month of June 2020 in Bill No.9094420032072002 dated 07.07.2020, High Tension Bill for the month of July 2020 in Bill No.9094420032082002 dated 07.08.2020, High Tension Bill for the month of April 2021 in Bill No.H4420032042111 dated 05.05.2021, High Tension Bill for the month



of May 2021 in Bill No.H4420032052111 dated 05.06.2021, and High Tension Bill for the month of June, 2021 in Bill No.H4420032062111 dated 05.07.2021 for service connection No.069094420032 issued by the 1st Respondent and quash the same in the light of the orders passed by this Hon'ble High Court made in batch of W.P.No.7678 of 2020 etc., dated 14.08.2020 and consequently direct the Respondents to adjust the amount already paid by the petitioner in the future bills starting from the month of October 2021.

Prayer in WP(MD). 17198/ 2021 :- Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to extend the benefit of the order of this Hon'ble Court passed under similar circumstances in batch of writ petitions and to apply the said dictum to the petitioner also as per the Article 14 of the Constitution of India and to rework the CC Bills of High Tension Consumer Connection vide service No.069094420261 for the months of May 2021 and June 2021 falling in the second wave of the COVID - 19 Lockdown period by levying minimum charges as per 6(B) supply code and also further direct the respondents to refund the excessively collected demand charges from the petitioner.

Prayer in WP(MD). 17888/ 2021 :- Writ Petition is filed under Article 226 of the Constitution of India, to issue a WRIT OF MANDAMUS directing the respondents to extend the benefit of the order of this Hon'ble Court passed under similar circumstances in batch of Writ Petitions and to apply the said dictum to the petitioner also as per the Article 14 of the Constitution of India and to rework the CC Bills of High Tension Consumer Connection vide Service No.079094720186 for the months of May 2021 and June 2021 falling in the second wave of the Covid-19 Lockdown period of levying minimum charges as per 6(B) Supply Code and also further direct the respondents to refund the excessively collected demand charges from the petitioner.

Prayer in WP(MD). 15451/ 2021 :- Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus by calling for the entire records of the 2nd respondent in so far as the High Tension Bill (Provisional) for the month of June 2021 dt.05.07.2021 pertaining to High Tension Consumer Connection vide Service No.079094720195 and quash the same and consequently direct the respondents to rework the HT Bill with service NO. 079094720195 and the excess amount shall be adjusted towards the future bills by levying the minimum charges alone by the 2nd respondent for the month of June 2021 and not to levy and penalty for the lock down period under which the petitioners Textiles showroom building situated at Old S.F.No.73/1A1 to 75/2-RmKV Building, Thiruvananthapuram Road, Tirunelveli-627 003.



For Petitioner : Mr.Muthumani Doraisami
(Petitions W.P(MD).Nos.17941, 17942, 17943 /2021)

WEB COPY For Petitioner :Mr.R.Mohan,
(Petitions W.P(MD).Nos.17198, 17888, and 15451 /2021)

For Respondents : Mrs.M.Rajeswari
(In all Petitions) for Mr.S.M.S.Johnny Basha
Standing Counsel

COMMON ORDER

All these writ petitions relate to HT bills in respect of specific months in 2020 and 2021.

2.The respective petitioner states that the TANGEDCO has raised HT bills even during the lock down period making a demand for demand charges as well as compensation charges towards low PF. In this regard, the respective petitioner relies upon the order passed by this Court in a batch of writ petitions, in which the lead petition is W.P.No.7678 of 2020. The respective petitioner draws the attention of the Court to the said order dated 14.08.2020 and it is pointed out that the said order was a detailed order which took into consideration all material facts, including proceedings of the TNERC and appellate proceedings before the APTEL. Upon such detailed discussion and analysis, it is pointed out that directions were issued in paragraph 45 of the said order. The respective petitioner states that all these writ petitions are covered by the said order and, therefore, the respective petitioner prays that orders be issued in terms of the said order.

3.On the contrary, TANGEDCO submits that the said order only pertains to the lock down occasioned by the first wave of the Covid-19 pandemic in the year 2020. Therefore, it is submitted that such order should not be applied in respect of the lock down occasioned by the second wave of the pandemic in 2021. The second submission on behalf of TANGEDCO is that the order of the TNERC pursuant to the lock down during the first wave was carried in appeal before the APTEL. The APTEL granted an interim order whereby the order of the TNERC was stayed and proceedings before the APTEL are pending. The third contention of TANGEDCO is that Regulation 6(b) is not applicable as regards some months during which the relevant petitioner is claiming relief because there was no lock down during the said month. The fourth contention of TANGEDCO is that the consumption by some of the petitioners exceeded the 20% specified in



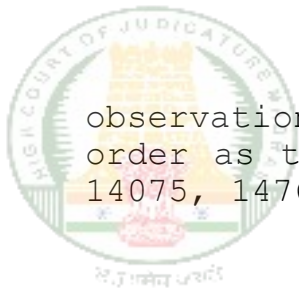
Regulation 6(b) of the Electricity Supply Code. For all these reasons, TANGEDCO submits that the relief prayed for should not be granted.

4. Without doubt, the order dated 14.08.2020 of this Court in the batch of cases of which the lead case is W.P.No.7678 of 2020 was issued in respect of the lock down during the first wave of the Covid-19 pandemic. However, the principle on the basis of which the said judgment was rendered would apply equally to the second wave of the pandemic provided such second wave resulted in a lock down during the relevant months. In fact, this aspect is also taken care of by the said order in paragraph 45(a). Such paragraph makes it clear that a revised bill should be issued to the respective petitioner by applying Regulation 6(b) of the Supply Code for the entire period when the establishment was shut down. Therefore, the apprehension of TANGEDCO on such count is misplaced.

5. With regard to the pending proceedings before the APTEL, as correctly pointed out by learned counsel for the respective petitioner, the order of APTEL was issued in May 2020, whereas the order of this Court was in August 2020. Therefore, this Court took into account the proceedings before TNERC and APTEL before issuing the order. Consequently, the contention of TANGEDCO on such basis cannot be accepted. The contention of TANGEDCO that the consumption exceeded 20% is also taken care of by Regulation 6(b) which provides that "the Licensee may recover from the consumer minimum charges at 20% of the billable demand or recorded demand whichever is higher besides charges for the actual consumption of electricity". It is a different matter that TANGEDCO may still be able to maintain that there was no lock down at all during a relevant month and that, therefore, Regulation 6(b) is not applicable in respect of such month. As stated above, the said contingency is also provided for in the order dated 14.08.2020. It is brought to the notice of the Court that appeals have been filed in respect of the order dated 14.08.2020 by the TANGEDCO and that the said appeals are pending before the Hon'ble Division Bench. Therefore, this order would also abide by the decision of the Hon'ble Division Bench, inasmuch as the order dated 14.08.2020 has been followed herein.

6. Therefore, keeping in mind the fact that a detailed order was issued by this Court on 14.08.2020 in W.P.No.7678 of 2020 and related cases and such order was the basis of several subsequent orders, I see no reason to depart from the view taken therein.

7. Accordingly, all these writ petitions are disposed of in terms of the directions issued in paragraph 45 of the order dated 14.08.2020 in W.P.No.7678 of 2020 and related cases subject to the



observations in paragraphs 4 and 5 of this order. There will no order as to costs. Consequently, W.M.P.(MD)Nos.14804, 14808, 14807, 14075, 14760, 12349 and 12350 of 2021 are closed.

Sd/-

Assistant Registrar (CS-I)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/sji

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

1. The Accounts Officer / Revenue,
High Tension Bill Section,
Metro Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Madurai Metro, Madurai-625 007.
2. The Superintending Engineer,
Metro Electricity Distribution Circle,
K.Pudhur,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Madurai-625 007.
3. The Executive Engineer,
Metro Electricity Distribution Circle,
K.Pudhur, Madurai Metrol,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Madurai-625 007.
4. The Assistant Executive Engineer,
Metro Electricity Distribution Circle,
K.K.Nagar, Madurai Metrol,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Madurai-625 007.
5. The Accounts Officer / Revenue,
High Tension Bill Section,
Thanjavur Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Thanjavur-613007.



6. The Superintending Engineer,
Thanjavur Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.1, Vallam Road, Thanjavur-613007.
7. The Executive Engineer,
Operations and Maintenance Urban,
Tamil Nadu Generation and Distribution Corporation Ltd., No.1,
Vallam Road, Thanjavur-613007.
8. The Assistant Executive Engineer,
Operations and Maintenance Urban,
Tamil Nadu Generation and Distribution
Corporation Ltd., No.1,
Vallam Road, Thanjavur-613007.
9. The Assistant Accounts Officer / High Tension,
High Tension Bill Section,
Trichy Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Trichy-620 020.
10. The Superintending Engineer,
Trichy Electricity Distribution Circle/Metro,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Mannarpuram, Trichy 620 020.
11. The Executive Engineer,
Trichy Electricity Distribution Circle/Metro,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Thennur High Road, Anna Nagar, Thennur, Trichy.
12. The Assistant Executive Engineer,
Trichy Electricity Distribution Circle/Metro,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Thennur High Road, Anna Nagar, Thennur,
Trichy-620 017.
13. The Tamil Nadu Generation
and Distribution Corporation Ltd., (Tangedco),
Rep. by its Chariman and Managing Director,
No.144, Anna Salai, Chennai 600002.
14. The Accounts Officer (Revenue),
Tangedco,
O/o. Superintending Engineer,
Trichy Electricity Distribution Circle - Metro,
Trichy.



15.The Accounts Officer (Revenue),
TANGEDCO, O/o. Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

+3 CC to M/s.MUTHUMANIDORAI SAMI, Advocate (SR-31242,SR-31243,SR-31258[F] dated 05/10/2021)

+3 CC to M/s.M.P.SENTHIL,, Advocate (SR-31293,SR-31295,SR-31304[F] dated 05/10/2021)

W.P(MD).Nos.17941, 17942, 17943, 17198,
17888 and 15451 of 2021 and

W.M.P. (MD)Nos.14804, 14808, 14807,
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05.10.2021

RD(22.10.2021) 11P 22C