



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2021

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD)No.19589 of 2020 and

W.M.P. (MD)Nos.16352 & 16355 of 2020

WEB COPY

Nehru Memorial College,
Rep. By its Secretary,
M.Ravichandran,
S/o.Ponnambalam,
Puthanampatty Post,
Thuraiyur Taluk,
Tiruchirappalli - 621 007.

... Petitioner

Vs.

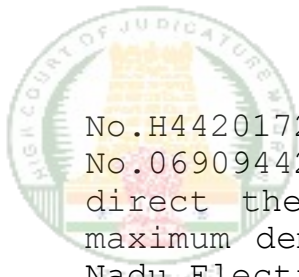
1. Tamil Nadu Generation and
Distribution Corporation Ltd.(TANGEDCO),
Rep. By its Chairman,
Managing Director,
No.144, Anna Salai,
Chennai - 600 002.

2. The Assistant Accounts Officer/HT,
Tamilnadu Generation and
Distribution Corporation Ltd., (TANGEDCO),
Mannarpuram Main Road,
Thiruchirappalli - 620 020.

3. The Superintending Engineer,
Tamilnadu Generation and
Distribution Corporation Ltd(TANGEDCO)
Mannarpuram Main Road,
Thiruchirappalli - 620 020.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned High Tension Bills (Provisional) issued by the second respondent pertaining to the demanding of power consumption charges relating to March, 2020 (Bill No.9094420172042001) dated 04.04.2020, April 2020 (Bill No.9094420172052001) dated 06.05.2020, May 2020 (Bill No.9094420172062003) dated 03.06.2020, June 2020 (Bill No.9094420172072004) dated 04.07.2020, July 2020 (Bill No.909442017082001) dated 05.08.2020, August 2020 (Bill No.9094420172092002) dated 03.09.2020, September 2020 (Bill No.9094420172102003) dated 05.10.2020, October 2020 (Bill No.9094420172112002) dated 04.11.2020, November 2020 (Bill



No.H442017212201) dated 05.12.2020, pertaining to Service Connection No.069094420172 and quash the same as illegal and consequently direct the respondents to raise the monthly bill calculating the maximum demand charges at the rate of 20% as per 6(b) of the Tamil Nadu Electricity Supply Code, 2004, till the extended period of lock down by the Government of Tamilnadu and not to levy Power Factor Penalty till the lock down is lifted and operation of College commences in so far as the petitioner is concerned.

For Petitioner : Mr.N.S.Ponnaiah
For Respondents : M/s.Prameswari for
Mr.S.M.S.Johny Basha,
Standing Counsel.

* * *

ORDER

Heard the learned counsel appearing for the petitioner and the learned Standing counsel appearing for the respondents.

2. The writ petitioner challenges the impugned bills issued by the second respondent. It cannot be in dispute that the case on hand is covered by the order dated 14.08.2020 in W.P.(MD)No.7678 of 2020 batch etc. In paragraph No.45 of the said order, the learned Judge had issued 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 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 lockdown."

3. The petitioner is a college. This Court can take judicial notice of the fact that the educational institutions have not been permitted to reopen.

4. The learned Standing counsel appearing for the respondents would state that the aforesaid order passed by the Principal Seat had been challenged in writ appeal. Till date no interim order has been obtained. Therefore, the case on hand will abide by the outcome of the said writ appeal proceedings.

5. This writ petition stands allowed by setting aside the impugned orders and with the aforesaid directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// 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:

1. Tamil Nadu Generation and
Distribution Corporation Ltd.(TANGEDCO),
Rep. By its Chairman,
Managing Director, No.144, Anna Salai,
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W.P.(MD)No.19859 of 2021
04.01.2021

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