



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.1265, 1270, 1275, 1278 & 1282 of 2022
and

W.M.P.Nos.1374, 1377, 1383, 1386 & 1390 of 2022

Eicher Motors Limited HTSC No.0979

Plot No.A-19/1, SIPCOT Industrial Growth Center,
Oragadam, Sriperumbudur Taluk,
Kancheepuram, Tamil Nadu-602 105.

Authorized Signatory:

Owais Khurshid Makhdoomi. ...Petitioner in W.P.No.1265 of 2022

Sundaram Brake Linings Limited HTSC No.0522,

Mahindra World City,

Natham Sub Post Office,

Chengalpettu, Kancheepuram-603 002.

Represented by its Chief Financial Officer,

S.Ramabadran. ...Petitioner in W.P.No.1270 of 2022

Eicher Motors Limited HTSC No.1212,

G121 & G122, SIPCOT Industrial park,

VallamVadagal Village, Vallam,

Sriperumbudur Taluk, Kancheepuram-602 105.

Authorized Signatory:

Owais Khurshid Makhdoomi. ...Petitioner in W.P.No.1275 of 2022

M S Metals and Steels Pvt Ltd HTSC No.1390,

No.808, Poonamallee High Road,

6A Caive Chateau,

Kilpak, Chennai-600 010.

Represented by its Sales Executive,

Bhavesh J Bafna. ...Petitioner in W.P.No.1278 of 2022

Sundaram Brake Linings Limited HTSC No.0826,

plot No.AA-6, 6th Avenue Auto Ancillary Sez,

Mahindra World City,

Natham Sub Post Office,

Chengalpettu, Kancheepuram-603 002.

Represented by its Chief Financial Officer,

S.Ramabadran. ...Petitioner in W.P.No.1282 of 2022

Vs.



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1. Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO),
Rep. by its Chairman & Managing Director,
10th Floor, No.144, Anna Salai,
Chennai - 600 002.
2. The Chief Financial Controller-Revenue,
TANGEDCO,
7th Floor, 144, Anna Salai,
Chennai - 600 002.
3. The Superintending Engineer,
TANGEDCO,
Chengalpattu Electricity Distribution Circle,
Tamil Nadu Generation and
Distribution Corporation Limited
Chengalpattu. ...Respondents in all W.Ps

Common Prayer in all WP's: Petitions 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 dated 14.08.2020 passed in W.P.No.7678 of 2020, in a similar batch matter and to apply the order of this Hon'ble Court as per Article 14 of the Constitution of India, to the petitioners also and consequently direct the 3rd respondent to cause to issue the fresh CC bills for the months of April 2020 falling in the lockdown periods and also, to further direct the respondents to refund the excessively collected demand charges from the petitioners.

For Petitioners : Mr.R.S.Pandiyaraj
in all W.Ps

For Respondents : Mr.L.Jaivenkatesh
in all W.Ps

ORDER

The petitioners have filed these writ petitions seeking issuance of Writ of Mandamus to direct 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 Hon'ble Court as per Article 14 of the Constitution of India, to the petitioners also and consequently direct the 3rd respondent to cause to issue the fresh CC bills for the months of April 2020 falling in the lockdown periods and also, to further direct the respondents to refund the excessively collected demand charges from the petitioners.



2. When the matter is taken up for hearing, the learned counsel appearing for the petitioners submits that the issue involved in the writ petitions has already been elaborately discussed by this Court in W.P.Nos.7678 of 2020 etc., batch and after taking into consideration Regulation 6 (b) of the Tamil Nadu Electricity Supply Code, this Court had allowed the said writ petitions vide common order dated 14.08.2020, the relevant portion of which reads as follows:

"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;



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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 learned counsel appearing for the petitioners further submits that following the aforesaid order, this Court has disposed of W.P.Nos.11571 & 11577 of 2021 vide its order dated 13.07.2021, which has been subsequently followed by this Court in W.P.No.23678 of 2021, wherein direction has been issued to the respondent Board to consider the petitioners' representation in terms of the common order dated 14.08.2020 made in W.P.Nos.7678 of 2020 etc., batch.

4. Learned counsel appearing for the respondents fairly concedes with the submissions advanced on behalf of the petitioners.

5. In view of the fair stand taken by the learned counsel for the respondents, with going into the merits of the issue, the above writ petitions are disposed of in terms of the order passed by this Court dated 14.08.2020 passed in W.P.Nos.7678 of 2020 etc., batch and 08.11.2021 passed in W.P.No.23678 of 2021. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

skt

To

1. The Chairman & Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd. (TANGEDCO),
10th Floor, No.144, Anna Salai,
Chennai - 600 002.



2. The Chief Financial Controller-Revenue,
TANGEDCO,
7th Floor, 144, Anna Salai,
Chennai - 600 002.

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3. The Superintending Engineer,
TANGEDCO,
Chengalpattu Electricity Distribution Circle,
Chengalpattu.

+5cc to M/s.R.S.Pandiyaraj, Advocate, S.R.No.6747

W.P.Nos.1265, 1270, 1275, 1278 & 1282 of 2022
and
W.M.P.Nos.1374, 1377, 1383, 1386 & 1390 of 2022

PMK (CO)
SB(23/02/2022)