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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.Nos.9642, 9644 & 9646 of 2022

Y.Siva Aruldurai
(HTSC No.099094011005)
(HTSC No.019094022531)
(HTSC No.019094022400)

...Petitioner in all W.P.'s

Vs

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

...Respondent in all W.P.'s

2.The Deputy Financial Controller,
(DFC/CEDC/South - II),
O/o.Superintending Engineer,
TANGEDCO,
K.K.Nagar, Chennai - 600 078.

...2nd Respondent in W.P.No.9642 of 2022

2.The Deputy Financial Controller,
(DFC/CEDC/Central),
O/o.Superintending Engineer,
TANGEDCO, Valluvarkottam High Road,
Chennai - 600 034.

...2nd Respondent in W.P.Nos.9644 & 9646 of 2022

Prayer:Writ Petition 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 in W.P.No.5201 of 2022 dated 08.03.2022 and batch and to apply the order of this Hon'ble Court to the petitioner and consequently direct the 2nd respondent to cause to issue the fresh C.C. Bills for the months of April 2020 to June 2020 and May 2021 to July 2021 falling in the lock down periods with regard to HT Service connection No.099094011005 (W.P.No.9642 of 2022) provided at premises No.141/92, G.S.T.Road, Tambaram,



Chennai - 600 045, HT Service connection No.019094022531 (W.P.No.9644 of 2022) provided at premises No.3, Duraisamy Road, Saravana Thangamaligai, T.Nagar, Chennai - 600 017 and HT Service connection No.019094022400 (W.P.No.9646 of 2022) provided at premises New No.115 (Old No.116), Usman Road, T.Nagar, Chennai - 600 017 and to further direct the respondents to re-work the bills of HT Service Nos.099094011005, 019094022531 and 019094022400 and excess amount collected during those periods shall be adjusted towards the future bills by levying the minimum/actual consumption charges.

(In all W.P.'s)

For Petitioner : Mr.R.Mohan

For Respondents: Ms.Keerthana Shenoi
for Mr.L.Jai Venkatesh, Standing Counsel

O R D E R

Ms.Keerthana Shenoi, learned counsel representing on behalf of Mr.L.Jai Venkatesh, learned Standing Counsel accepts notice for the respondents in all Writ Petitions and is armed with instructions to proceed with the matter finally. Hence, by consent of both sides, these Writ Petitions are disposed finally even at the stage of admission.

2.Learned Counsel for the respondent would concur on the position that the issue raised in these Writ Petitions is covered by series of decisions of this Court.

3. I have in W.P.No.2384 of 2022, vide order dated 09.02.2022 considered the issue and passed the following order:

".....

2. The petitioner seeks a mandamus directing the respondents to extend the benefit of order dated 14.08.2020 passed by this Court in W.P.No.7678 of 2020 to the petitioner and consequently direct the third respondent to revise and issue fresh consumption bills in respect of the petitioner's service connection for the periods when the establishment was under lockdown consequential to Government Orders.

3. The petitioner has approached this Court earlier in W.P.No.19906 of 2020 seeking an identical prayer. That Writ Petition has come to be allowed on 04.01.2021 following the ratio laid down in W.P.No.7678 of 2020 and applying the same to this petitioner as well. The relevant portion of the order reads as follows:



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'The Hon'ble High Court of Madras has passed an order on 14.08.2020 in W.P.No.7678 of 2020 and others batch and the operative portion of the order is reproduced below:

"45.....

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



7. These Writ Petitions are disposed as aforesaid. No costs.

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Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sl/kbs

To

- 1.The Chairman and Managing Director,
TANGEDCO, No.144, Anna Salai,
Chennai - 600 002.
- 2.The Deputy Financial Controller,
(DFC/CEDC/South - II),
O/o.Superintending Engineer, TANGEDCO,
K.K.Nagar, Chennai - 600 078.
- 3.The Deputy Financial Controller,
(DFC/CEDC/Central),
O/o.Superintending Engineer,
TANGEDCO, Valluvarkottam High Road,
Chennai - 600 034.

+3ccs to Mr.R.Mohan, Advocate SR. Nos.26407, 26408, 26409

W.P.Nos.9642, 9644 &
9646 of 2022

SKM (CO)
PR (05/05/2022)