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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.Nos.12351 and 12356 of 2022

M/s.Chennai Metro Rail Limited,
Rep. by G.Rajaratnam, Legal Officer,
CMRL Admin Building, Poonamallee High Road,
Koyambedu, Chennai 600 107.

...Petitioner in both the writ petitions

Versus

1. The Tamil Nadu Generation & Distribution Corporation (TANGEDCO), Rep. by its Chairman cum Managing Director, No.144, Anna Salai, Chennai 600 002.
2. The Director, Distribution/TANGEDCO, No.144, Anna Salai, Chennai 600 002.
3. The Chief Financial Controller, Revenue, TANGEDCO, No.144, Anna Salai, Chennai 600 002.
4. The Superintending Engineer, CEDC/West, TANGEDCO, 110 KV Thirumangalam SS Complex, Chennai 600 040.
5. The Superintending Engineer, CEDC/West, TANGEDCO, 110 KV K.K. Nagar SS Complex, Chennai 600 078.

...Respondents in both the writ petitions

Writ Petitions filed under Article 226 of the Constitution of India praying to issue writ of Mandamus directing the 4th respondent to revoke the Maximum Demand Charges & Low PF Compensation charges for the Alandur RSS (HT Service No.099094000965) of Chennai Metro Rail Limited and Koyambedu RSS (HT Service No.019094061843) of Chennai Metro Rail Limited during the state-imposed lockdown periods in the year 2020, 2021.



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For Petitioner : Mrs.Rita Chandrasekaran
for Mr.Jayesh B Dolia

For Respondents : Mr.Jaivenkates
Stdg. Counsel for TNEB

COMMON ORDER

These writ petitions have been filed for a mandamus seeking for a direction to the fourth respondent to revoke the maximum demand charges and low PF compensation charges for two different railway stations on account of state-imposed lockdown periods in the years 2020 and 2021.

2. Since both the writ petitions involve the very same issue, they are disposed of by this common order.

3. Learned counsel for the petitioner drew the attention of this Court to an order dated 14.08.2020 passed in a batch of writ petitions in WP Nos.7678 of 2020 etc., batch, involving the very same issue, wherein, the learned Single Judge has issued the following directions:-

"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



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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. Learned counsel for the petitioner would submit that if the directions issued by the learned Single Judge as stated supra are followed, the respondents will have to refund the excess money paid by the petitioner, which amounts to several crores of rupees. The petitioner has already given a representation dated 10.01.2022 to the fourth respondent to revoke the maximum demand charges and low PF compensation charges for both the railway stations, where HT service connection is standing in the name of the petitioner.

5. Admittedly, the representation of the petitioner has not been considered till date. No prejudice would be caused to the respondents if the representation of the petitioner is considered in the light of the directions given by the learned Single Judge of this Court referred to supra.

6. For the foregoing reasons, this Court directs the fourth respondent to consider the petitioner's representation dated 10.01.2022 seeking for revocation of maximum demand charges and low PF compensation charges for Koyambedu and Alandur Metro Railway Stations during the State-imposed lockdown periods in the years 2021 and 2021 and refund the excess money paid by the petitioner for the said period, otherwise, adjust the same in the future bills raised by the respondents within a period of twelve weeks from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner including granting them the right of personal hearing.



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7. With the aforesaid direction, both the writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

sr

To

1. The Chairman cum Managing Director,
Tamil Nadu Generation & Distribution
Corporation (TANGEDCO),
No.144, Anna Salai, Chennai 600 002.
2. The Director,
Distribution/TANGEDCO,
No.144, Anna Salai, Chennai 600 002.
3. The Chief Financial Controller,
Revenue, TANGEDCO,
No.144, Anna Salai, Chennai 600 002.
4. The Superintending Engineer,
CEDC/West, TANGEDCO,
110 KV Thirumangalam SS Complex,
Chennai 600 040.
5. The Superintending Engineer,
CEDC/West, TANGEDCO,
110 KV K.K. Nagar SS Complex,
Chennai 600 078.

+lcc to Mr.Jayesh B.Dolia, Advocate SR. No. 32174

W.P. Nos.12351 and 12356 of 2022

MT (CO)

PR (15/06/2022)