



W.P.No.12916 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

**W.P.No.12916 of 2021
and WMP No.13717 of 2021**

Haresh Kishor

... Petitioner

Versus

1. The Tamil Nadu Electricity Board.
Represented by its Chairman,
No.800, Anna Salai,
Chennai-600 002.
2. Tamil Nadu Generation and Distribution Corporation Limited,
Represented by its Chairman and Managing Director,
144, Anna Salai,
Chennai – 600 002.
3. The Chief Financial Controller/Revenue,
Tamil Nadu Generation and Distribution Corporation Limited,
10th Floor, NPKRR Maaligai, 144, Anna Salai,
Chennai-600 002/
4. The Accounts Officer/Revenue,
o/o The Superintending Engineer,
Chennai Electricity Distribution Circle/South-1,
110, KV SS Complex,
KK Nagar, Chennai-600 078



W.P.No.12916 of 2022

5. Tamil Nadu Electricity Regulatory Commission,
Represented by its Secretary,
TIDCO Office Building,
No.19-A, Rukmani Lakshmipathy Salai,
Egmore,
Chennai-600 008.

6. The Superintending Engineer,
Chennai Electricity Distribution Circle/South-I,
110 KV SS Complex,
KK Nagar,
Chennai - 600078

... Respondents

Writ Petitions filed under Article 226 of the Constitution of India praying to issue writ of Mandamus to call for the entire records pertaining to the issuance of Bill Nos.9094001063042001 dated 02.04.2020, Bill No.9094001063052001 dated 02.05.2020, Bill No.9094001063062002 dated 01.06.2020, Bill No.9094001063072001 dated 01.07.2020, Bill No.9094001063082001 dated 06.08.2020 and Bill No.9094001063092001 dated 03.09.2020 issued by the 2nd respondent and quash the same as it is violative of Regulation 6(b) of the Tamil Nadu Electricity Supply Code, 2014 and further direct the 6th respondent to consider the representation dated 21.09.2020 sent by the petitioner.

For Petitioner : Ms.Josephine Shreela G

For Respondents : Mr.L.Jaivenkatesh
Stdg. Counsel for TNEB



W.P.No.12916 of 2022

ORDER

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This writ petition has been filed challenging the impugned Bill Nos.9094001063042001 dated 02.04.2020; 9094001063052001 dated 02.05.2020; 9094001063062002 dated 01.06.2020; 9094001063072001 dated 01.07.2020; 9094001063082001 dated 06.08.2020 and 9094001063092001 dated 03.09.2020 calling upon the petitioner to pay the electricity charges as per the said bills.

2. The petitioner has challenged the aforesaid bills on the ground that during the said period, due to COVID-19 lockdown imposed by the Government, the petitioner was not carrying on any business and their office was shut down.

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, a similar issue was considered and the respondents were directed to issue revised bills to the petitioner therein by applying Regulation 6(b) of the Supply Code for the entire period when the establishment was under shut down and a direction was also issued in the very same order that if TANGEDCO had already recovered the entire dues from any of the petitioners, the payments made shall be adjusted in future



W.P.No.12916 of 2022

bills. 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*



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W.P.No.12916 of 2022

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.”

4. In the case on hand, the petitioner claims that he has paid the entire amount as per the impugned bills under protest as he was facing the threat of disconnection of electricity supply by the respondents. The aforementioned order dated 14.08.2020 passed by this Court in W.P. Nos.7678 of 2020 etc., batch was



W.P.No.12916 of 2022

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also followed and in fact, I had also passed a similar order. The petitioner who also stands in the same position is also entitled for the very same benefit. It is an admitted fact that the period between 02.04.2020 and 03.09.2020 the Government imposed lockdown due to COVID-19 pandemic.

5. For the foregoing reasons, the impugned Bill Nos.9094001063042001 dated 02.04.2020, Bill No.9094001063052001 dated 02.05.2020, Bill No.9094001063062002 dated 01.06.2020, Bill No.9094001063072001 dated 01.07.2020, Bill No.9094001063082001 dated 06.08.2020 and Bill No.9094001063092001 dated 03.09.2020 are hereby quashed and the writ petition is allowed. The respondents are directed to adjust the excess payments made by the petitioner for the aforementioned periods if any in the future bills payable by the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

06.07.2022

SR

Index: Yes/No

Speaking Order/Non-Speaking Order



W.P.No.12916 of 2022

To

WEB COPY

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2. Chairman and Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
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Chennai – 600 002.
3. The Chief Financial Controller/Revenue,
Tamil Nadu Generation and Distribution Corporation Limited,
10th Floor, NPKRR Maaligai, 144, Anna Salai,
Chennai-600 002/
4. The Accounts Officer/Revenue,
o/o The Superintending Engineer,
Chennai Electricity Distribution Circle/South-1,
110, KV SS Complex,
KK Nagar, Chennai-600 078
5. Secretary,
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No.19-A, Rukmani Lakshmipathy Salai,
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W.P.No.12916 of 2022

ABDUL QUDDHOSE, J
sr

W.P. No.12916 of 2021

06.07.2022