



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.10668 of 2022 &
W.M.P.No.10304 of 2022

M/s International Stones India (p) Ltd.,
HT service no.089094210294
Rep. by its Manager,
S.Prabakaran

...Petitioner

Vs.

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

2. The Deputy Financial Controller,
O/o The Superintending Engineer,
TANGEDCO,
Krishnagiri,
Krishnagiri District.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus Calling for the entire records of the 2nd respondent in so far as the High Tension Bill (provisional) dated 10.04.2020 08.05.2020 08.06.2020 07.07.2020 07.08..2020 08.09..2020 08.03.2021 09.04.2021 09.05.2021 07.06.2021 08.07.2021 07.08.2021 07.09.2021 08.10.2021 10.11.2021 08.12.2021 and 10.01.2022. pertaining to High Tension consumer Connection vide service No. 089094210294 and quash the same and consequently direct the respondents to rework the HT Bill with service No. 089094210294 and the excess amount shall be adjusted towards the future bills by levying the minimum charges alone by the 2nd respondent for the period from March 2020 to August 2020 and February 2021 to December 2021 not to levy any penalty for the lock down period under which the petitioner's granite making factory situated at Plot No.E-5, Sipcot Industrial Complex, Phase - II, Expansion-I, Hosur, Krishnagiri District - 635 109.

For Petitioner : Mr.Mohan for
Mr. D.Jagdeesan



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

O R D E R

Ms.Keerthana Shenoi, learned counsel for Mr.L.Jai Venkatesh, learned Standing Counsel accepts notice for the respondents and is armed with instructions to proceed with the matter finally. Hence, by consent expressed by both learned counsel, this writ petition is disposed finally even at the stage of admission.

2. Learned Counsel for the respondents would concur on the position that the issued raised in this Writ Petition 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:-

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



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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.

46. All the writ petitions are accordingly allowed..." 3.0 However, TANGEDCO has filed appeals against the above order vide W.A.No.836 of 2020 and etc. before the Hon'ble Division Bench of Madras High Court and the appeals are yet to be heard. Hence, the Superintending Engineer/EDCs are instructed to implement the above order scrupulously without prejudice to the outcome of appeal filed as stated above. The above order may be implemented only to the petitioners and also to those who have obtained similar order in this matter.

(By order of the JMD/TANGEDCO)

Sd/-dated 16.10.2020 Chief Financial Controller/Revenue"



4. Though the aforesaid order passed on 04.01.2021 would, in my view, suffice to protect the interests of the petitioner for the subsequent periods as well, since the prayer therein was for protection in respect of all periods falling under lockdown consequential to Government Orders, learned counsel for the petitioner would seek a specific direction in respect of the periods of lockdown from 2021 onwards.

5. Thus, the benefit of the aforesaid order stands extended for the periods commencing from 01.01.2021 as well when the establishment was under lockdown pursuant to Government Orders passed in this regard.

6. In light of the admitted facts and legal position as between the aforesaid Writ Petition and the present Writ Petition, the same order is taken to be passed in this Writ Petition as well.

7. This Writ Petition is disposed as aforesaid. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

nst/ska

To

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

2. The Deputy Financial Controller,
O/o The Superintending Engineer,
TANGEDCO, Krishnagiri, Krishnagiri District.

+1cc to Mr.D.Jagadeesan, Advocate, S.R.No.29415

W.P. No.10668 of 2022
& W.M.P.No.10304 of 2022

SKM(CO)

SU(17/05/2022)