



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.10188 of 2022

&

W.M.P.No.9883 of 2022

Salem Mines and Aggregates,
Rep.by its Partner Mr.P.Subramani,
S/o.Perumal Gounder,
No.5, 3rd Cross Street, West Tambaram,
Chennai - 600 045.

...Petitioner

Vs.

1. Tamil Nadu Generation & Distribution Corporation Limited [TANGEDCO]
By its Chairman cum Managing Director
No.144, Anna Salai, Chennai - 600 002.
2. Tamil Nadu Generation & Distribution Corporation Limited [TANGEDCO]
By its Chief Financial Controller-Revenue
NPKRR Maligai, 144, Anna Salai,
Chennai - 600 002.
3. Tamil Nadu Electricity Regulatory Commission
No.19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai - 600 008.
4. The Government of Tamil Nadu
by its Secretary to Government,
Energy Department, Fort St.George
Chennai - 600 009.
5. Tamil Nadu Generation and Distribution Corporation Ltd.,
By its Superintending Engineer,
Chengalpattu.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent leading to the issuance of



the impugned High Tension Bill [Provisional] for the month of April 2020 in Bill No.9094111099052001 dated 08.05.2020; pertaining to service connection H.P.No.099094111099, in violation of scope of Regulation 6(b) of the Supply Code and to quash the same and consequently direct the respondents to adjust the amount already paid for the month of April 2020, towards future Bills.

For Petitioner : Mr.J.Srinivasa Mohan

For Respondents : Ms.Revathi for Mr.L.Jai Venkatesh for R1,R2 & R5

Mr. D. Ravichander

Special Government Pleader for R4

O R D E R

Ms.Revathi, learned counsel for Mr.L.Jai Venkatesh, learned Standing Counsel accepts notice for respondents R1, R2 & R5 and Mr.D.Ravichander, learned Special Government Pleader accepts notice for respondent R4 and would fairly concur with the petitioner to the effect that the issue raised in the present writ petition is covered by several other orders passed by this Court including in W.P.8205 of 2022 dated 04.04.2022.

2. Considering an identical issue as arising in this matter, I have cited the order passed in W.P.No.2384 of 2022 dated 09.02.2022. The relevant paragraphs are extracted below:-

"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



WEB COPY

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 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.



WEB COPY

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."

3. In light of identity of facts and legal position between the aforesaid writ petition and the present matter, the same order is taken to be passed in this matter as well and this writ petition stands allowed. Connected writ miscellaneous petition is closed. No Costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

nst/ska

To

1. The Chairman cum Managing Director
Tamil Nadu Generation & Distribution
Corporation Limited [TANGEDCO]
No.144, Anna Salai, Chennai - 600 002.
2. The Chief Financial Controller-Revenue
Tamil Nadu Generation & Distribution
Corporation Limited [TANGEDCO]
NPKRR Maligai, 144, Anna Salai,
Chennai - 600 002.
3. Tamil Nadu Electricity Regulatory Commission
No.19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai - 600 008.
4. The Secretary to Government,
Government of Tamil Nadu
Energy Department, Fort St.George
Chennai - 600 009.
5. The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Chengalpattu.

+1cc to M/s.TVJ Associates, Advocate, S.R.No.28989

W.P. No.10188 of 2022
&
W.M.P.No.9883 of 2022

MG[co]
NSK/25/05/2022