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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. Nos. 10774, 10777 & 10779 of 2022

M/s G.R.Thangamaligai Jewellers Pvt.Ltd
(HTSCNo.099094010913)

Rep.by Mr.G.R.Radhakrishnan

No.99, G.S.T.Road,

Kadaper, Tambaram, Chennai - 600 045

...Petitioner in WP.No.10774 of 2022

G.R.Radhakrishnan (HTSC No.019094022439)

...Petitioner in WP.No.10777 of 2022

M/s G.R.Thangamaligai Jewellers Pvt.Ltd
(HTSCNo.019094022337)

Rep.by Mr.G.R.Radhakrishnan

No.102, Usman Road,

T.Nagar, Chennai - 600 017

...Petitioner in WP.No.10779 of 2022

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.

...R1 in all WPs

2. The Deputy Financial Controller,

(DFC/CEDC/South - II)

O/o Superintending Engineer,

TANGEDCO,

K.K.Nager, Chennai - 600 078

...R2 in WP.No.10774 of 2022

3. The Deputy Financial Controller,

(DFC/CEDC/Central)

O/o Superintending Engineer,

TANGEDCO,

Valluvarkottam High Road,

Chennai - 600 034

...R2 in WP.No.10777 of 2022

4. The Deputy Financial Controller,

(DFC/CEDC/Central)

O/o Superintending Engineer,



TANGEDCO,
Valluvarkottam High Road,
Chennai - 600 034

...R2 in WP.No.10779 of 2022

Prayer in WP.No.10774 of 2022: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 Honble Court passed in W.P. No. 9642 of 2022 dated 19.04.2022 and batch and to apply the order of this Honble 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 July 2020 and May 2021 to July 2021 falling in the lock down periods with regard to HT service Connection No. 099094010913 provided at Premises No.99 G.S.T.Road, Kadaper, Tambaram, Chennai - 600 045 and to further direct the respondents to re-work the bills of HT Service No. 099094010913 and excess amount collected during those periods shall be adjusted towards the future bills by levying the minimum/actual consumption charges.

Prayer in WP.No.10777 of 2022: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. 9642 of 2022 dated 19.04.2022 and batch and to apply the order of this honble 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 July 2020 and May 2021 to July 2021 falling in the lock down periods with regard to HT Service connection No. 019094022439 provided at Premises No. 19 and 20 Coats Road T Nagar Chennai-17 and to further direct the respondents to re-work the bills of HT Service No. 019094022439 and excess amount collected during those periods shall be adjusted towards the future bills by levying the minimum/actual consumption charges.

Prayer in WP.No.10779 of 2022: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 Honble Court passed in W.P. No. 9642 of 2022 dated 19.04.2022 and batch and to apply the order of this honble 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 July 2020 and May 2021 to July 2021 falling in the lock down periods with regard to HT Service connection No. 019094022337 provided at Premises No. 102 Usman Road T. Nagar Chennai 17 and to further direct the respondents to re-work the bills of HT Service No. 019094022337 and excess amount collected during those periods shall be adjusted towards the future bills by levying the minimum / actual consumption charges.



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In all WPs

For Petitioner : Mr.R.Mohan

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

C O M M O N 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, 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 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



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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 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 01.04.2020 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 Petitions, the same order is taken to be passed in these Writ Petitions as well.

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

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ska/nst

To

1. The Tamil Nadu Generation
And Distribution Corporation Limited (TANGEDCO)
Rep by its Chairman and Managing Director
No.144, Anna Salai,
Chennai - 600 002.
2. The Deputy Financial Controller,
(DFC/CEDC/South - II)
O/o Superintending Engineer,
TANGEDCO,
K.K.Nager, Chennai - 600 078
3. The Deputy Financial Controller,
(DFC/CEDC/Central)
O/o Superintending Engineer,
TANGEDCO,
Valluvarkottam High Road,
Chennai - 600 034



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

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+1cc to Mr.R.Mohan, Advocate, S.R.No.29417

+1cc to Mr.R.Mohan, Advocate, S.R.No.29418

[09/06/2022]

W.P. Nos. 10774, 10777 & 10779 of 2022

GP(CO)
SB(23/05/2022)