



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.4016 of 2022

WEB COPY

K.K.M.Blue Metal, HTSC No.079094720261,
S.F.No.180, Attankaraipallivasal Road,
Parkneri, Thiruvambalapuram (P.O),
Radhapuram (Tk),
Tirunelveli Dist.-627111,
Represented by is Proprietor,
S.Rajendran

... Petitioner

/Vs./

1.The Tamil Nadu Generation and
Distribution Corporation Ltd. (TANGEDCO),
Represented by its Chairman & Managing Director,
10th Floor, No.144, Anna Salai,
Chennai - 600 002.

2.The Chief Financial Controller - Revenue,
TANGEDCO,
7th Floor, 144, Anna Salai,
Chennai - 600 002.

3.The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the Respondents to extend the benefit of the order of this Court dated 14.08.2020 passed in WP.No.7678/2020, in a similar batch matter and to apply the order of this Court as per Article 14 of the Constitution of India, to the Petitioner also and consequently direct the 3rd respondent to cause to issue the fresh CC bills for the months of April 2020 falling in the Covid-19 lockdown periods and also, to further direct the respondents to refund the excessively collected demand charges from the petitioner.

For Petitioner	: Ms.M.Mythili
For Respondents	: Mr.S.Deenadhayalan Standing Counsel



ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to extend the benefit of the order of this Court dated 14.08.2020 passed in W.P.No.7678/2020, in a similar batch matter and to apply the order of this Court, as per Article 14 of the Constitution of India, to the Petitioner also and consequently direct the 3rd respondent to issue the fresh CC bills for the months of April 2020 falling in the Covid-19 lockdown periods and also, to further direct the respondents to refund the excessively collected demand charges from the petitioner.

2.Heard Ms.M.Mythili, learned counsel appearing for the writ petitioner and Mr.S.Deenadhayalan, learned standing counsel appearing for the respondents.

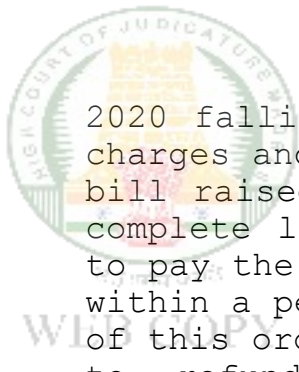
3.The issue involved in the writ petition is the subject matter of batch of writ petitions before the Principal Seat of this Court in W.P.Nos.7678 of 2020 batch. By common order, dated 14.08.2020, in the aforesaid batch of writ petitions, the learned Single Judge at the Principal Seat of this Court has passed a final order, allowing the said writ petitions.

4.In accordance with the said common order, some of the petitioners in the said batch of writ petitions have also made payment to the respondents. The respondents also received the payment without prejudice to their rights and contentions. As seen from the proceedings of the respondents dated 07.10.2020, signed by the Chief Financial Controller - Revenue, the second respondent herein, the writ appeals have also been preferred aggrieved by the common order, dated 14.08.2020, passed by the learned Single Judge at the Principal Seat of this Court.

5.The learned counsel for the petitioner drew the attention of this Court, to the common order, dated 14.08.2020, passed in W.P.Nos.7678 of 2020 batch, by the learned Single Judge at the Principal Seat of this Court.

6.This Court has perused the affidavit filed in support of the writ petition and as submitted by the learned counsel for the petitioner, the issue involved in the writ petition is identical to the issue, which is involved in WP.Nos.7678 of 2020 batch, wherein, final orders were passed by the learned Single Judge at the Principal Seat of this Court, on 14.08.2020, allowing the batch of writ petitions. Therefore, this Court is of the considered view that the petitioner should also have the benefit of the similar order as passed by the learned Single Judge at the Principal Seat of this Court, on 14.08.2020.

7.Accordingly, this Writ Petition is disposed of by directing the third respondent to issue fresh CC Bills for the month of April



2020 falling in the COVID-19 lock down period deducting 80% demand charges and low power factor surcharges relating to the petitioner's bill raised for the bill for the month of April 2020 (i.e. for the complete lock down period) and in turn, the petitioner is directed to pay the Current Consumption charges for the month of April, 2020, within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that the respondents are directed to refund the excessive demand charges collected from the petitioner, if any. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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TO
The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

+1 CC to M/s.M.MYTHILI, Advocate (SR-12890[F] dated 18/03/2022)

order made in
W.P.[MD]No.4016 of 2022
17.03.2022

PKP/28.03.2022/3P/3C