



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) No. 8783 of 2022

WEB COPY

M/s.G.R.Thangamaligai Jewellers India Pvt Ltd.,
rep.by G.R.Radhakrishnan
Madurai

... Petitioner

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.

2. The The Accounts Officer (Revenue),
TANGEDCO, O/o. Superintending Engineer,
Madurai Electricity Distribution Circle,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to extend the benefit of the order of this Court passed in W.P.No.9642 of 2022 dated 19.04.2022 and batch and to apply the order of this Court to the petitioner and consequently to 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.059094630135 provided at premises at Nos.108 and 109, Netaji Road, Madurai 625 001, and to further direct the respondents to re-work the bills of HT Service No.059094630135 and excess amount collected during those periods shall be adjusted towards the future bills by levying minimum/actual consumption charges.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.S.Deenadhayan

O R D E R

Heard Mr.M.P.Senthil, learned Counsel appearing for the petitioner and Mr.S.Deenadhayan, learned Standing Counsel appearing for the respondents.



2.The petitioner claims that the entire demand raised by the respondents during the two lock down periods, namely, April 2020 till July 2020 and also from May 2021 to July 2021, violates regulation 6(b) of Tamil Nadu Electricity Supply Code, 2004, and violates the order of this Court passed in a batch of Writ Petitions in W.P.No.9642 of 2022, dated 19.04.2022, by the Principal Seat. The petitioner, who is having a shopping complex, seeks for a similar benefit, as passed by the learned Single Judge of this Court on 19.04.2022 in the aforementioned batch of Writ Petitions.

3.Even though the said order passed by the learned Single Judge of this Court is under challenge before the Division Bench, the petitioner, who is also similarly placed, as that of the petitioners in the batch of the Writ Petitions, must also be given the same benefit.

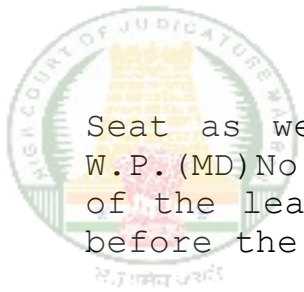
4.In a similar issue, for the lockdown period from June 2020 to August 2020, I myself by my order, dated 16.10.2020 passed in W.P.(MD)No.14754 of 2020, granted the very same relief to similarly placed petitioners.

5.In the order, dated 19.04.2022 passed by another learned Single Judge of this Court in the Principal Seat as well as in the order, dated 16.10.2020 passed by me in W.P.(MD)No.14754 of 2020, 80% of remission of electricity charges was granted and the consumers were directed to pay only 20%. The petitioner, who is also similarly placed, claims remission of 80% electricity charges for the period from April 2020 to July 2020 and May 2021 to July 2021, which are the two lockdown periods.

6.The petitioner also claims in this Writ Petition that they have already paid the electricity charges during the periods of lockdown, ie., from April 2020 to July 2020 and May 2021 to July 2021, under protest. They seek for refund of the excess amount paid by them and for adjustment of the same towards the future bills raised by the respondents towards electricity charges.

7.This Court is of the considered view that the similarly placed consumers, as that of the petitioner, having got the benefit of remission of 80% electricity charges during the period of lockdown, the petitioner must also be given the same benefit.

8.The learned Standing Counsel for the respondents has also not raised any serious objection for granting the very same relief, that was granted to the petitioners in the batch of Writ Petitions in W.P.No.9642 of 2022 Batch, dated 19.04.2022 passed by the learned Single Judge of this Court in the Principal



Seat as well as in the order, dated 16.10.2020 passed by me in W.P.(MD)No.14754 of 2020. However, he would submit that the order of the learned Single Judge, dated 19.04.2022, is under challenge before the Division Bench.

9. For the foregoing reasons, this Writ Petition is disposed of by directing the respondents to extend the benefit of the order of this Court in W.P.No.9642 of 2022 batch, dated 19.04.2022, to this petitioner also and directing the second respondent to issue revised C.C., bills for the months of April 2020 to July 2020 and May 2021 to July 2021 with regard to HT Service No.059094630135 provided at premises at Nos.108 and 109, Netaji Road, Madurai 625 001, and further direction is also issued to the respondents, in case, the petitioner has already paid the demand charges in full for the period from April 2020 to July 2020 and May 2021 to July 2021, as per the earlier demand made by the respondents, the excess amount collected during those periods shall be adjusted towards the future bills. The respondents are directed to issue revised C.C., bills for the months of April 2020 to July 2020 and May 2021 to July 2021, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CSI)

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/ /2022

Sub Assistant Registrar(CS)

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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 The Accounts Officer (Revenue), TANGEDCO, O/o. Superintending Engineer, Madurai Electricity Distribution Circle, Madurai.

+1 CC to M/s.M.P.SENTHIL, Advocate
(SR-22663[F] dated 29/04/2022)

Order made in
W.P.(MD)No.8783 of 2022
29.04.2022