



W.P.(MD)No.13047 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13047 of 2022

S.A.Joy Raja

... Petitioner

Vs.

1.The Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGEDCO),
Rep. by its Chairman and Managing Director,
144, Anna Salai,
Chennai.

2.The Superintending Engineer,
TANGEDCO,
Nagercoil,
Kanyakumari District.

3.The Accounts Officer (Revenue),
TANGEDCO,
Nagercoil.

4.Tamil Nadu Electricity Regulatory Commission (TNERC)
represented by its Secretary
TIDCO Office Building
No.19-A, Rukmani Lakshmipathy Salai,
Marshalls Road,
Egmore,
Chennai 600 008.

... Respondents



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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, to declare the demand made towards high tension electricity bills (Demand Charges and low power factor compensation) corresponding to the petitioner's high tension service connection in Service No.079094740078 for the period between April 2021 and July 2021 to be illegal and ultra vires the Regulation 6(b) of the Tamil Nadu Electricity Supply Code, 2004 and to consequently, direct the respondents to rework and refund the excess payment made by the petitioner under the said bills in light of the order made by this Court in W.P.(MD)Nos.527, 531, 536 of 2021, dated 29.01.2021 within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff
For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents.

2. The petitioner is running a Mall and he is enjoying high tension service connection with TANGEDCO. The case on hand pertains to the period from April 2021 to July 2021. The Mall was closed due to lock



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down restrictions. Yet, TANGEDCO had demanded the petitioner to pay the charges to the extent of 95% of the sanctioned demand.

3. The learned counsel appearing for the petitioner pointed out that TANGEDCO can only call upon the petitioner to levy 20% of the sanctioned demand. The issue raised in the writ petition is squarely covered by the order dated 14.08.2020, passed by the Principal Seat in W.P.No.7678 of 2020, etc., batch. In the said order, it was held as follows:-

“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



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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



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*regard, the minimum charges alone shall be collected till
the lifting of the lockdown.”*

4. Respectfully following the said order, declaration as sought for
in the writ petition is granted. The Writ Petition is allowed. No costs.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN,J.

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