IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2023

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THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.Nos.6556 & 6558 of 2023

Jothi Melters India Pvt. Ltd.,
HTSC No. 03909480189,
S.F.No.493/2, Peranaikanpudhur Road,
N.Alampalayam, Nachikuttai Post,
Sathyamangalam Taluk, Erode District
Rep. by its
Director G. Ramesh. .. Petitioner in W.P.No.656 of 2023

Sun Alloys,
HTSC No. 03909430052,
S.F.No.750/3b, Seeniveerampalayam,
Chikkarampalayam Post,
Karamadai, Coimbatore – 641 104,
Rep. by its partner Kumaravel.L. .. Petitioner in W.P.No.6558 of 2023

Vs.

1.The Tamil Nadu Generation and Distribution
Corporation Ltd. (TANGEDCO),
Rep. 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. .. 1st and 2nd respondent in both WPs

3.The Superintending Engineer,
TANGEDCO,
Tiruppur Electricity Distribution Circle,
Tiruppur. .. 3rd respondent in W.P.No.6556 of 2023

4.The Superintending Engineer,
TANGEDCO,
Coimbatore Electricity Distribution Circle,
Coimbatore. .. 3rd respondent in W.P.No.6558 of 2023

Common prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, directing the respondents to extend the benefit of the order of this Court dated 14.08.2020 passed in W.P.No.7678 of 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 1st and 2nd respondents to cause to issue the fresh CC bills for the months of April 2020 failing in the lockdown periods as per the above order dated 14.08.2020 and also, to further direct the respondents to refund/adjust the excessively collected demand charges from the petitioner during the lockdown period.

(In both the petitions)

For Petitioner .. Mr.R.S.Pandiyaraj

For Respondents .. Mr.L.Jai Venkatesh
Standing Counsel (TANGEDCO)

COMMON ORDER

Writ Petitions have been filed in the nature of Mandamus, seeking a direction to the respondents to extend the benefit of the order of this Court dated 14.08.2020 in W.P.No.7678 of 2020 and batch matters to the petitioner also and direct the first and second respondents to issue a fresh current consumption bills for the month of April 2020, which was the period during the lockdown owing to Covid-19 pandemic.

2. The learned Standing Counsel appearing for the respondents stated that the issue is no longer *resintegra* and had been examined by a learned Single Judge of this Court in ***W.P.Nos.7678 of 2020 etc., batch (the South India Spinners Association Vs. the Chairman cum Managing Director, Chennai and Other)***. An order was passed on 14.08.2020, wherein after examining all the issues which had been raised, the learned Single Judge had finally held as follows;-

> *" 45. The above discussion leads this Court to the only conclusion that the maximum demand charges and the compensation charges levied by TANGEDCO against the petitioners who are HT*

consumers, is illegal, unsustainable and in violation of the statutory regulations. Accordingly, the Maximum Demand Charges and the compensation towards low PF that have been questioned in the impugned bills raised by the TANGEDCO for each of the consumers who are parties in these batch of writ petitions, is hereby quashed. The following directions are also issued by this Court:

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) an 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 had 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."

3. The same order ennures to the Writ Petitioner herein. These writ petitions stand allowed. No costs.

02.03.2023

Index:Yes/No
Speaking or Non-Speaking order.
Neutral citation Yes/No

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