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W.P.No.17389 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 31.07.2023

Pronounced on : 11.08.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.17389 of 2020
and WMP.No.21559 of 2020

M/s.VDSR Rolling Mills Private Limited
Rep by its Partner D.S.Rajkumar
SF.No.1/1A, Thandrampet Road
Thiruvannamalai - 606 601.

... Petitioner

Vs.

1.The Chairman
Tamil Nadu Generation and Distribution
Corporation Ltd.,
10th Floor, NPK RR Maaligai
144 Anna Salai
Chennai - 600 002.

2.The Chief Engineer / Commercial
TANGEDCO Head Office
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Chennai - 600 002.

3.The Chief Engineer
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Villupuram.



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4.The Superintending Engineer
Tiruvannamalai Electricity Distribution Circle
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Vengikkai
Tiruvannamalai - 606 604.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the fourth respondent in Lr.Me.Po/Ka.Aa(Varu)/Ka.Me/Va.OP/U.1/No.216/2020 dated 06.10.2020 and quash the same and consequently direct the respondents to refund the balance deposit amount to the petitioner company forthwith recalculating the demand charge for the month of February and March 2020.

For Petitioner : Ms.Rita Chandrasekar
for Ms.R.Meenakshi

For Respondents : Ms.Daniel Mary
Standing Counsel

ORDER

The petitioner was running a Rolling Mill for which purposes it had availed HT service connection from the TANGEDCO. Owing to inclement



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commercial environment, the petitioner stopped production from 07.02.2020. On 14.02.2020, the petitioner addressed a communication to the fourth respondent to disconnect its HT service connection permanently. However, it was disconnected only on 02.03.2020. At the time of obtaining HT service connection, the petitioner had made a caution deposit of Rs.24,05,275/-. The TANGEDCO however calculated current consumption charges for January 2020, February 2020 and March 2020, and raised a bill for Rs.10,77,293/-. It also added certain other charges and arrived at a total amount of Rs.11,49,854/-, and after adjusting this amount in the caution deposit earlier mentioned, the fourth respondent sent a demand letter dated 06.10.2020, that the balance amount amounting to Rs.12,55,421/- has been kept pending.

2. The grievance of the petitioner is that while the petitioner has informed the fourth respondent to disconnect the HT service connection on 14.02.2020, the respondent took another 17 days to disconnect the electricity. The stands of the respondents appears to be founded in Clause 6(a) of the Tamil Nadu Electricity Supply Code of TNERC, vide Notification No. TNERC/SC/7-17 dated 20/01/2010, which prescribes the



minimum charges as below :

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6. Minimum Charges:

The consumer shall pay to the Licensee 2 [minimum charges] in respect of every connection as detailed below. The minimum monthly charges are payable even when no electricity was consumed or supply disconnected by orders of Court or when the price of electricity supplied is less than the minimum charges :

(a) for the HT services disconnected as per Licensee's right to disconnect supply, the following minimum charges based on the KVA demand shall be collected

- i. If the disconnection is for the full month, then 20% of the sanction demand*
- ii. If the disconnection is for part of the month, the actual recorded demand or such percentage of sanctioned demand as declared by the commission whichever is higher.*

3. The petitioner's demand is founded on the footing that when the TANGEDCO had all the opportunity to disconnect electricity even in February 2020, it unnecessarily delayed it leaving serious financial implications. Since electricity was disconnected only on 02.03.2020, it has added Rs.3,06,469/- as its monthly electricity charges, when no electricity was used. This must have been calculated based on the second part of the



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above TNERC supply code.

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4. The respondents have not filed their counter. Heard the learned Standing Counsel appearing for the respondents.

5.1 It is not in dispute that the petitioner has requested the TANGEDCO to disconnect its HT service connection vide his communication dated 14.02.2020. If it had been done forthwith, the second part of the above said Rule 6 may apply, and the petitioner might have to pay for either the actually recorded demand, or such percentage of sanction demand, whichever is higher, since the disconnection was for a part of the month. Now despite the fact that the petitioner did not use the electricity for atleast 50% of the days in February 2020, he was made to pay for the entire month, and by disconnecting electricity in March 2020, TANGEDCO appears to have charged 20% of the sanction demand for March 2020.

5.2 The authority can delay if they want to delay, but it cannot leave any financial consequences on the consumer. If only TANGEDCO was sensitive to this aspect, it would not have kept the request of the petitioner



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for disconnection of service connection pending after February 2020, and levied Rs.3,06,469/- as '*03/2020 Monthly Electricity Charge*' for the electricity which the petitioner did not use. This is not only unfair to the petitioner, but also unconscionable to the conscience of this Court.

6. In fine, this Court now directs the respondents to pay the petitioner a sum of Rs.12,55,421/- which the respondent had admitted to pay. The TANGEDCO is free to recover this Rs.3,06,469/- from such officials, whose negligence has resulted in this loss.

7. The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

11.08.2023

Index : Yes / No
Speaking order / Non-speaking order
anu/ds



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N.SESHASAYEE.J.,

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Pre-delivery order in
W.P.No.17389 of 2020

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