



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED **20.02.2023**

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 29007 of 2022

And

W.M.P.No. 28293 of 2022

M/s. Renault Nissan
Automotive India Private Ltd.,
Represented by its Senior Manager – Legal
Plot No.1, SIPCOT Industrial Park
Oragadam, Mattur Post, Sriperumbudur
Kanchipuram District – 602 105.

... Petitioner

..Vs..

1. The Government of Tamil Nadu
Rep. by its Secretary to Government
Energy Department, Fort St. George, Chennai – 600 009.
2. The Chairman cum Managing Director
TANGEDCO, 144, Anna Salai, Chennai – 600 002.
3. The Chief Financial Controller – Revenue
TANGEDCO, NPKRR Maligai, 144,
Anna Salai, Chennai – 600 002.
4. Tamil Nadu Electricity Regulatory Commission
No.19-A, Rukumani Lakshmi pathy Road,
Egmore, Chennai – 600 008.



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5. The Accounts Officer/Revenue
TANGEDCO, NPKRR Maligai, 144
Anna Salai, Chennai – 600 002.

6. The Superintending Engineer
Chengalpattu Electricity Distribution Circle,
TANGEDCO Ltd., Chengalpet.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records relating to Bill bearing No. 9094110759052001 relating to Service No. 099094110759 dated 08.05.2020 for the month of April 2020, Bill bearing No. 0904110759062001 relating to Service No. 099094110759 dated 08.06.2020 for the month of May 2020 in so far as it claims maximum demand of 90 percentage instead of minimum demand of 20 percentage as prescribed under Regulation 6(b) of the Tamil Nadu Electricity Supply Code, and quash the same and issue consequent direction to 1st, 2nd, 3rd, 5th and 6th respondents or their subordinates to refund or adjust the said amount against the subsequent monthly bills.

For Petitioner :: M/s.Surya Teja SS Nalla

For Respondents :: Mr. L.Jai Venkatesh
Standing Counsel

**ORDER**

WEB COPY Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

2. The Writ Petition has been filed in the nature of Certiorarified Mandamus relating to the Bill bearing No. 9094110759052001 relating to Service No. 099094110759 dated 08.05.2020 for the month of April 2020 and a similar bill bearing No. 9094110759062001 relating to Service No.099094110759 dated 08.06.2020 for the month of May 2020 and quash the same.

3. The petitioner is a car manufacturer and offers automobiles for sale. They have been operating and regularly complying with necessary regulations. It had been stated that during Covid-19, the operations of the factories were suspended. This was also intimated to the respondents. However, for the months of April and May 2020, the respondents had issued bills for consumption and questioning those bills, the present Writ Petition has been filed.



4. 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) 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 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. ”

5. The same order enures to the Writ Petitioner herein. The Writ Petition stands allowed. No order as to costs. Consequently, connected Civil Miscellaneous Petition is closed.

20.02.2023

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To

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