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W.P.No.31379 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.11.2023

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.31379 of 2023

Hotel Ennordee International Private Limited
(HTSC No. 099094000552)
Rep.by Mr.N.R.Dhanapalan,
S/o Late Mr.Rathinam Nadar,
No.85 & 86 Arcot Road,
Karambakkam, Porur,
Chennai – 600 116
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 Deputy Financial Controller,
(DFC/CEDC/South – I)
O/O Superintending Engineer,
TANGEDCO,
K.K.Nagar, Chennai – 600 078

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus directing the respondents to extend the
benefit of the order of this Honble Court passed in W.P. No. 9642 of 2022



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dated 19.04.2022 and batch as well as W.P. Nos. 10774 of 2022 and batch dated 28.04.2022 and to apply the order of this Honble Court to the petitioner and consequently 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. 099094000552 provided at Premises Nos. 85 & 86, Arcot Road, Karambakkam, Porur, Chennai – 600 116 and to further direct the respondents to re-work the bills of HT Service No. 099094000552 and excess amount collected during those periods shall be adjusted towards the future bills by levying the minimum/actual consumption charges.

For Petitioner : Mr.P.Ramanathan

For Respondents : Ms.Keerthana Shenoi
for Mr.L.Jai Venkatesh
Standing Counsel

ORDER

Ms.Keerthana Shenoi, learned counsel on behalf of Mr.L.Jai Venkatesh, learned Standing Counsel accepts notice for the respondents and concurs with the submission of the petitioner to the effect that the issue that arises for resolution in this Writ petition stands covered by an order passed by this Court on 28.04.2022 in W.P.Nos.10774, 10777 and 10779 of 2022.

2. The prayer of the petitioner is for a mandamus directing the respondents to extend the benefit of order dated 19.04.2022 and 28.04.2022 and direct the 2nd respondent i.e., Deputy Financial Controller, TANGEDCO to



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issue fresh current consumption details (CC details) for the months of April 2020 to July 2020 and May 2021 to July 2021 which stands covered by the period of lock down imposed with regard to HT Service connection No. 099094000552 provided at premises Nos. 85 & 86, Arcot Road, Karambakkam, Porur, Chennai – 600 116 and the petitioner has also sought a direction to the respondents to re-work the bills of HT Service No. 099094000552 and adjust any excess amount that had been collected as against the future demands.

3. A similar prayer has been raised by the petitioner in W.P.Nos.10774, 10777 and 10779 of 2022 and that Writ petitions had come to be disposed in light of the order passed in W.P.No.2384 of 2023 on 09.02.2022, in the following terms:

?.....

2. *The petitioner seeks a mandamus directing the respondents to extend the benefit of order dated 14.08.2020 passed by this Court in W.P.No.7678 of 2020 to the petitioner and consequently direct the third respondent to revise and issue fresh consumption bills in respect of the petitioner-s service connection for the periods when the establishment was under lockdown consequential to Government Orders.*

3. *The petitioner has approached this Court earlier in W.P.No.19906 of 2020 seeking an identical prayer. That Writ Petition has come to be allowed on 04.01.2021 following the ratio laid down in W.P.No.7678 of 2020 and applying the same*



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to this petitioner as well. The relevant portion of the order reads as follows:

-The Hon-ble High Court of Madras has passed an order on 14.08.2020 in W.P.No.7678 of 2020 and others batch and the operative portion of the order is reproduced below:

?45.....

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.



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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.

46. All the writ petitions are accordingly allowed...?

3.0 However, TANGEDCO has filed appeals against the above order vide W.A.No.836 of 2020 and etc. before the Hon-ble Division Bench of Madras High Court and the appeals are yet to be heard. Hence, the Superintending Engineer/EDCs are instructed to implement the above order scrupulously without prejudice to the outcome of appeal filed as stated above. The above order may be implemented only to the petitioners and also to those who have obtained similar order in this matter.

(By order of the JMD/TANGEDCO)

Sd/~dated 16.10.2020

Chief Financial Controller/Revenue?

4. In addition, I have in an order dated 28.04.2020 passed in

W.P.Nos.9642, 9644 and 9646 of 2022 also stated as follows:-

'4. Though the aforesaid order passed on 04.01.2021 would, in my view, suffice to protect the interests of the petitioner for the subsequent periods as well, since the prayer therein was for protection in respect of all periods falling under lockdown consequential to Government Orders, learned counsel for the petitioner would seek a specific direction in respect of the periods of lockdown from 2021 onwards.



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5. *Thus the benefit of the aforesaid order stands extended for the periods commencing from 01.04.2020 as well when the establishment was under lockdown pursuant to Government Orders passed in this regard.*



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6. In light of the admitted facts and legal position as between the aforesaid Writ Petition and the present Writ Petitions, the same order is taken to be passed in these Writ Petitions as well.'

5. In light of the admitted identity in facts and circumstances between those matters and the present matter, the benefit of that order is available to the present petitioner as well.

6. This Writ petition is disposed accepting the request as set out in the Writ Petition. No costs.

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02.11.2023

Index : Yes / No

Speaking Order

Neutral Citation:Yes

To

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and Distribution Corporation Limited (TANGEDCO)
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2 The Deputy Financial Controller,
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