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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.4229 of 2021

and

W.M.P(MD)Nos.3411 & 3412 of 2021

Sona Mina Theatres Private Limited,
Represented by its Managing Director,
S.Annamalai Chettiar.

... Petitioner

Vs.

1. Tamil Nadu Generation and Distribution
Corporation Ltd (TANGEDCO),
Corporation Limited (TANGEDCO)
Represented by its Chariman and Managing Director,
No.144, Anna Salai, Chennai.

2. The Assistant Accounts Officer/HT,
Tamilnadu Generation and Distribution
Corporation Limited (TANGEDCO),
Mannarpuram Main Road,
Thiruchirappalli-620 020.

3. The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
Mannarpuram Main Road,
Thiruchirappalli- 620 020.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the impugned High Tension Bills (Provisional) issued by the 2nd respondent from the month of April 2020 to October 2020 in respect of Bill No.9094420044052001 dated 06.05.2020, 03.06.2020, 03.07.2020, 03.08.2020, 03.09.2020, 05.10.2020 and 05.11.2020 respectively, in respect of petitioner's Service No.069094420044 in violation Regulation 6(b) of the TamilNadu Electricity Supply Code 2004 and quash the same and direct the respondents to raise the monthly bill calculating the maximum demand charges at the rate of 20 percent as per 6(b) of the TamilNadu Electricity Supply Code, 2004 in so far the petitioner is concerned.

For Petitioner : Mr.R.Hemakarthiskeyan

For Respondents : Mr.S.Deenadhayalan,
Standing Counsel

ORDER

This writ petition has been filed to quash the impugned High Tension Bills (Provisional) issued by the 2nd respondent from the month of April 2020 to October 2020.



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2. Heard Mr.R.Hemakarthyayan, the Learned counsel appearing for the Petitioner, Mr.S.Deenadhayalan, the Learned Standing Counsel appearing for the respondents and perused the material documents available on record.

3. The issue raised in this writ petition is covered by the Order of this Court. Since the petitioner's Theatre was not running the maximum demand on the HT charges cannot be levied. By order of this Court, dated 14.08.2020 in W.P. (MD)No.7678 of 2020 its batch., has issued the following directions.

.....

“ 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:



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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;*



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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.”

4. Following the said Order, this Court is allowing the Writ petition.

However, the Learned Standing counsel appearing for the respondents submitted that against the aforesaid order, they have preferred an appeal in W.A.No.836 of 2020 before the Principal Seat at Madras.



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5. Hence, this Order is passed following the Writ petition order.

However, the same is subject to the outcome of the judgment passed in the Writ appeal.

6. With these observations, this Writ petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

04.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To

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Corporation Limited (TANGEDCO)
Represented by its Chariman and Managing Director,
No.144, Anna Salai, Chennai.
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S.SRIMATHY, J.

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