



W.P.(MD)No.16171 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.16171 of 2021

and

W.M.P.(MD)No.13038 of 2021

JKR Enterprise Limited,
A-16, Krishna Towers,
No.50, Sardar Patel Road,
Taramani, Chennai-600 113,
Rep.by its Company Secretary.

... Petitioner

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.

3.The Superintending Engineer,
TANGEDCO,
Ramanathapuram Electricity Distribution Circle,
Ramanathapuram.

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus, to direct the respondents to extend



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the benefit of the order of this Court dated 14.08.2020 passed in W.P.No.7678 of 2020 and apply the same to the petitioner by consequently directing the third respondent to issue fresh CC bills for the months for March 2020-May 2020 and refund the excessively collected demand charges from the petitioner.

For Petitioners : Mr.Rahul Balaji

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

This writ petition has been filed for the issue of writ of mandamus to direct the respondents to extend the benefit of the order passed by the Principal Seat of this Court in W.P.No.7678 of 2020 to the petitioner and consequently, direct the third respondent to issue fresh electricity bills for the months of March 2020 to May 2020 and from April 2021 to June 2021 and to refund the excess amount collected towards demand charges.

2.When the matter came up for hearing before this Court on 09.09.2023, this Court passed the following order:

The petitioner seeks a direction to the third respondent to reissue the CC bills for the months of March 2020 - May 2020 and April 2021 - June 2021 and also seeks a consequential direction for the refund of amounts collected in excess

2.Mr.M.Rajeswari. learned counsel, appearing for Mr.S.M.S.Johnny Basha, learned Standing Counsel for TANGEDCO, accepts notice on



behalf of all the respondents.

3. The petitioner relies upon earlier orders of this Court and points out that, by such orders, the respondents were directed to rework the amounts payable during the lockdown period. The petitioner states that it is entitled to similar orders in the present writ petition.

4. It is submitted on behalf of TANGEDCO that the orders passed in the earlier writ petitions are subject matter of pending appeals. In addition, it is submitted that those matters pertain to the lockdown during the first wave of the COVID-19 pandemic in the year 2020. Therefore, the benefit of such orders cannot be extended to the lockdown during the second wave of the pandemic in the year 2021. She requests for time to obtain instructions.

5. In view of the consistent position taken by this Court with regard to the lockdown in the year 2020, there will be an interim direction to the respondents to reissue the CC bills for the period of March 2020 - May 2020 in line with orders passed earlier in W.P.No.7678 of 2020 and connected batch of cases. In case excess amounts were paid by the petitioner on the basis of bills issued earlier in respect of the above mentioned period, such excess amounts shall be adjusted against subsequent bills issued by the respondents.

6. The respondents are directed to comply with this interim direction within a period of four weeks from the date of receipt of a copy of this order. The respondents are directed to file their counter-affidavit within three weeks.

7. Let the matter appear on 17.10.2021.”

3. When the matter is taken up for hearing today, the learned Standing Counsel appearing on behalf of TANGEDCO submitted that the current



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consumption bill for the period from April 2020 and May 2020 was reworked and excess amount was directed to be adjusted in the ensuing bills. He further submitted that this privilege cannot be extended to the petitioner for the period from April 2021 to June 2021.

4.Per contra, the learned counsel for the petitioner brought to the notice of this court the order passed by in W.P.No.15487 of 2021, wherein a similar prayer was made for issuing fresh current consumption bills for the period from April 2021 to June 2021 also, during which time, there was a lock down. The learned counsel submitted that this was considered by this Court and order was passed granting extension of benefit for this period also. He would further submit that this order had become final and therefore, the petitioner in the present writ petition is also entitled to be considered and to get the benefit of the order passed in W.P.No.15487 of 2021.

5.In the considered view of this Court, the order was passed in a batch of writ petitions in W.P.No.7678 of 2020 etc., batch by taking into consideration the regulations under Section 6(b) of the Tamil Nadu Electricity Supply Code. This Court took into consideration the fact that there was a lock down and therefore, the regulation under Section 6(b) of the Supply Code must be applied for the entire period of lock down, when the establishment was shut down.



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Therefore, whatever reasoning was given for the period from March 2020 to May 2020 will equally apply for the period from April 2021 to June 2021 also.

The said order was taken into consideration by the Principal Seat of this Court in W.P.No.15487 of 2021 while passing order on 28.07.2021 and TANGEDCO was directed to rework the bills for the period from April 2021 to June 2021 also. Hence, this benefit must also be made applicable to the petitioners for the very same period.

6.In view of the above, there shall be a direction to the respondents to rework the amounts payable during the lock down period from April 2021 to June 2021 and the excess amount paid by the petitioner during that period shall be adjusted against the subsequent bills issued by the respondents. It goes without saying that the decision will be subject to the outcome of the orders to be passed in W.A.No.836 of 2020.

7.This Writ Petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

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