



W.P(MD)No.13675 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.13675 of 2021

and

W.M.P.(MD)Nos.10613 and 10615 of 2021

Hotel Jagam Private Limited,
represented by its Managing Director,
M.Joseph Rathinasamy
Having office at No.28
Bye Pass Road
Madurai-625010.

... Petitioner

Vs.

1. Tamil Nadu Generation and Distribution Corporation
Limited (TANGEDCO),
represented by its Chairman and Managing Director,
No.144, Anna Salai,
Chennai-600002.

2. The Accounts Officer/Revenue (E & OE)
Tamil Nadu Generation and Distribution Corporation
Limited (TANGEDCO),
Madurai West,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to



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call for the records leading to the issuance of the Original impugned High Tension Bills (provisional) issued by the second respondent for the month of April 2021 06/05/2021, May 2021 dated 05/06/2021 and June 2021 dated 07/07/2021 pertaining to Service No.059094630065 in violation Regulation 6(b) of the Tamil Nadu Electricity Supply Code, 2004 and quash the same and direct the respondents to rework the HT bill with service No.059094630065 and the excess amount shall be adjusted towards the pending/future bills and the minimum charges alone shall be collected by the second respondent for the period from April 2021 to June 2021 and not to levy any penalty for the period of Lock Down.

For Petitioner : Mr.Vijayan Subramanian
For Respondents : Mr.S.Deenadayalan
Standing Counsel

ORDER

The Writ Petition is directed against the levy of demand charge in High Tension Bill (Provisional) for the month from April-2021 to June-2021 issued by the second respondent.

2. The main contention of the writ petitioner is that the above demand is made in violation of the order passed by the Tamil Nadu



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Electricity Regulatory Commission and also in violation of Regulation 6(b) of the Tamil Nadu Electricity Supply Code.

3. The learned counsel appearing for the writ petitioner would submit that in batch of cases in W.P.Nos.7678 of 2020 etc., this Court, after considering the issue elaborately, has allowed the petitions vide common order dated 14.08.2020. He would further submit that the present issue is covered by the common order passed in the batch of writ petitions referred above. The learned Standing Counsel appearing for the respondents would fairly concede the same.

4. It is not in dispute that appeals in W.A.No.836 of 2020 etc., batch are still pending, but there is no interim order.

5. Moreover, a learned Judge of this Court, in W.P.No.13421 of 2021 by following the decision rendered in W.P.Nos.7678 of 2020 etc., batch, has allowed the petition subject to the outcome of the orders to be passed in W.A.No.836 of 2020 etc., batch filed by the respondents. At this juncture, it is necessary to refer the following passages in the order passed in W.P.Nos.7678 of 2020 etc., batch,



“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



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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



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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.”

6. In view of the aforesaid common order passed by this Court in W.P.Nos.7678 of 2020 etc., batch, this Court has no other option but to quash the impugned bills issued by the second respondent. Accordingly, the impugned bills issued by the second respondent is hereby quashed. The respondents Board is directed to consider the claim of the writ petitioner by revising the bills, as per the directions issued by this Court in W.P.Nos.7678 of 2020 etc., batch, dated 14.08.2020 considering the lockdown notification issued by the State Government and to take appropriate decision and to communicate the same to the writ petitioner within a period of six weeks from the date of receipt of a copy of this order. It is clarified that any decision taken by the respondents Board will be subject to the outcome of the orders passed in W.A.Nos.836 of 2020 etc., batch filed by the respondents.



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7. With the above directions, this Writ Petition is disposed of.

Consequently, connected Miscellaneous Petitions are closed. No costs.

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

1. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution Corporation
Limited (TANGEDCO),
No.144, Anna Salai,
Chennai-600002.
2. The Accounts Officer/Revenue (E & OE)
Tamil Nadu Generation and Distribution Corporation
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K.MURALI SHANKAR, J

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Order made in
W.P.(MD)No.13675 of 2021
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Dated : 12.04.2024