



W.P(MD)No.16063 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16063 of 2020

and

W.M.P.(MD)Nos.13455, 13456 and 13460 of 2020

M/s.Sri Sastha Spinning Mills (P) Ltd.,
Represented by its Authorised Signatory,
K.Danushkodi.

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
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,
Dindigul Electricity Distribution Circle,
TANGEDCO, Dindigul.

... Respondents

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 leading to the issuance of impugned High Tension Bills (Provisional) issued by the 3rd respondent for the month of April 2020 (Bill



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9094500249052003 dated 18/05/2020) pertaining to Service No.059094500249 and quash the same as arbitrary illegal and in violation regulation 6(b) of the Tamil Nadu Electricity Supply Code, 2004, and direct the respondents to raise the monthly bill calculating the maximum Demand Charges at the rate of 20% or on the recorded demand whichever is higher as per Regulation 6(b) of the Tamil Nadu Electricity Supply Code, 2004 till the extended period of lock down, by the Government of Tamil Nadu and not to levy Power Factor penalty till the lock down is lifted.

For Petitioner : Mr.N.Sudalaimuthu

For Respondents : Mr.S.Deenadhayalan,
Standing Counsel.

ORDER

Heard both sides.

2.It is obvious that the issue raised in this writ petition had already been answered by a learned Judge of this Court vide order dated 14.08.2020 in W.P.Nos.7678 of 2020 etc batch. Paragraph No.45 of the said order reads 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;



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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.”

3.This writ petition is also allowed on the same lines. No costs.

Consequently, connected miscellaneous petitions are closed.

05.01.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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