BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 03.04.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.A(MD) Nos.1514 to 1525 of 2021

1.The Chairman
Tamil Nadu Generation and
Distribution Corporation Limited,
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,
Virudhunagar Electricity Distribution Circle,
TANGEDCO,
Virudhunagar. ... Appellants / Respondents

Vs.

M/s.Shri Govinda Raja Textiles Pvt Ltd.,
represented by its Authorized Signatory S.Sankar Ganesh,
HT SC No.079094620097,
Melakandamangalam,
Tamilpadi (PO)-626 129,
Aruppukottai. ... Respondent / Writ Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to allow this writ appeal by setting aside the order dated 15.10.2020 in W.P.(MD)No.14587 of 2020.

For Appellants : Mr.S.Deenadhayalan

For Respondent : Mr.N.Sudalaimuthu

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.)**

Heard both sides.

2. The writ petitioner herein is a HT consumer. The case on hand pertains to the assessment period from April 2020 to September 2020. The writ petitioner felt aggrieved by the demand charges imposed by TANGEDCO. Hence, they filed W.P.(MD)No.14578 of 2020. The writ petition was allowed vide order dated 15.10.2020 in the following terms:-

> "6. The learned counsel for the petitioners drew the attention of this Court, to the common order, dated 14.08.2020, passed in W.P. Nos.7678 of 2020 batch, by the learned Single Judge at the Principal Seat of this Court as well as the impugned

disconnection notice, dated 13.10.2020, issued by the third respondent. This Court has perused the affidavit filed in support of the writ petitions and as submitted by the learned counsel for the petitioners, the issue involved in these writ petitions are identical to the issue, which is involved in WP.Nos.7678 of 2020 batch, wherein, final orders were passed by the learned Single Judge at the Principal Seat of this Court, on 14.08.2020, allowing the batch of writ petitions. Therefore, this Court is of the considered view that the petitioners should also have the benefit of the similar order as passed by the learned Single Judge at the Principal Seat of this Court, on 14.08.2020.

7.Accordingly, the impugned orders are hereby quashed and the writ petitions are allowed. Since, the writ petitions are allowed, the petitioners are directed to pay the Current Consumption charges after deducting 80% demand charges and low power factor surcharges relating to the petitioners' bill raised for the bill months from 04/2020 onwards (i.e. for the complete lock down period) within a period of four weeks from the date of receipt of a copy of this order."

Questioning the same, this intra-court appeal has been filed by TANEDCO.

3.It is beyond dispute that during the said period, the nation was under complete lockdown. Therefore, the learned Single Judge was justified in invoking Regulation 6(b) of the Tamil Nadu Electricity Supply Code. It reads as follows:-

> "6.Minimum Charges
>
> (b) For the H.T services disconnected on the request of the consumer, the monthly minimum charges based on the KVA demand shall be the actual recorded demand (when the disconnection is for part of a month) or such percentage of sanctioned demand declared by the Commission whichever is higher:
>
> Provided that where the Licensee is prevented from supplying electricity owing to cyclone, floods, storms, fire, strike or lockout in the Licensees' establishment or other occurrences beyond the control of the Licensee, or if the Licensee is satisfied that the consumer has been prevented from consuming electricity either in whole or in part for similar reasons, the Licensee may recover from the consumer [minimum charges] at twenty percent of the billable demand or recorded demand whichever is higher besides charges for the actual consumption of electricity."

4.However, the learned Single Judge committed an error in giving a flat discount of 80% in favour of the writ petitioner. The aforesaid regulation as well as the batch order dated 14.08.2020 made in W.P.Nos. 7678 of 2020 only state that in such circumstances, the licensee may recover from the consumer a minimum charge 20% of the billable demand or recorded demand whichever is higher besides charges for the actual consumption of electricity. In this case, the stand of the licensee /

appellant is that the recorded demand was much higher than 20%. Only, if the establishment or unit had remained completely shutdown and there was nil consumption of electricity, 20% of billable demand could be levied. Where there was consumption and the recorded demand was higher, then it is the recorded demand which has to be paid. Since this aspect of the matter was not taken note by the learned Single Judge, We are constrained to interfere. The matter is remitted to the file of the third appellant. The third appellant will issue revised bill in respect of the billable demand by applying Regulation 6(b) of the Tamil Nadu Electricity Supply Code. Since the matter was pending consideration before this Court and the consumer had also succeeded before the learned Single Judge, the question of the consumer having to pay interest or belated charge will not arise.

5. The Writ Appeal is allowed accordingly. No costs.

(G.R.S., J.) (M.J.R., J.)
03.04.2025

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

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