



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.3772 of 2022

M/s. ACE TEX

(HTSC No.039094340251)

S.F No.308/309/310, Thalakkurai Village,
Zamin Muthur Post, Pollachi - 642005.

Represented by Authorized Signatory

N.Nallasivan,

...Petitioner

Vs

1. Tamilnadu Generation and Distribution

Corporation Ltd, (TANGEDCO),

10th Floor, 144, Anna Salai,

Chennai - 600 002.

Represented by its Chairman

Cum Managing Director

2. The Superintending Engineer,

TANGEDCO,

Udumalpet Electricity Distribution

Udumalpet.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent, to refund the excessively held deposit of Rs.68,05,663/- to the petitioner, by way of cheque, as mandated by clause 5(5)(v) of the Tamilnadu Electricity Supply Code 2004.

For Petitioner : Mr.S.P.Parthasarthy

For Respondents : Mr.Abdul Kalam,
Standing Counsel



O R D E R

Mr. Abdul Kalam, learned Standing Counsel accepts notice for the respondents and has sufficient instructions for final disposal of this matter even at this juncture. Hence by consent of both the learned counsel for the petitioner as well as the learned Standing Counsel, the main writ petition is taken up for final disposal even at the stage of admission.

2. The petitioner seeks Mandamus directing R-2 i.e., The Superintending Engineer, TANGEDCO to refund the excessively held deposit amount of Rs.68,05,663/- to the petitioner by way of cheque, as mandatorily provided in terms of Clause 5(5)(v) of the Tamil Nadu Electricity Supply Code 2004 [hereinafter referred to as the 'Code', in short].

3. Rule 5(v) of the Code relied upon by the petitioner reads as under.

"(5) Additional Security Deposit:

- (i)
- (ii)
- (iii)
- (iv)

(v) Where, on review, the amount of security deposit held is found to be in excess of the requirement, the excess shall be adjusted against two future demands for the electricity supplied. Where, after such adjustment in future of two demands, there is balance to be refunded, the refund shall be made by cheque before the due date for payment of the third demand."

4. The language used in the aforesaid Rule 5(5)(v) is unambiguous but Mr. Abdul Kalam, learned Standing Counsel disputes its applicability to the present case. However, facts reveal otherwise as the excess Security Deposit held by the respondents is revealed in the working sheet for the review year 2020-2021, issued by the TANGEDCO, Udumalpet (placed on record at page No.20 of the typed set of papers). After detailing the current consumption charges for the period from April 2020 to March 2021, the excess Security Deposit eligible for bill adjustment / refund has been quantified at a sum of Rs.76,29,055/-.

5. In terms of Rule 5(v) of the Code, the current consumption charges for the months of May and June 2021 totalling a sum of Rs.8,23,392/- have been set off and the excess amount quantified to be refunded is an amount of Rs.68,05,663/-. This would attract interest at the rate of 4.3%



per annum as per the very working sheet of TANGEDCO in the tabulation for review year 2020-2021.

6. In terms of the aforesaid admitted position on facts as well as the categorical requirement mandated in terms of Rule 5(v), the respondents are directed to pay the amount of Rs.68,05,663/- with interest thereupon from July 2021, till date of payment within a period of six (6) weeks from today.

7. Writ Petition stands disposed by way of the aforesaid order. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

Jeni/Svn

To

1. The Chairman Cum Managing Director,
Tamilnadu Generation and Distribution
Corporation Ltd, (TANGEDCO),
10th Floor, 144, Anna Salai,
Chennai - 600 002.
2. The Superintending Engineer,
TANGEDCO,
Udumalpet Electricity Distribution,
Udumalpet.

+1cc to Mr.R.S.Pandiyaraj, Advocate SR. No. 12635

W.P.No.3772 of 2022

MT (CO)

PR (30/03/2022)