



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.8597 of 2022

and

WMP No.8506 of 2022

M/s.Eveready Spinning Mills P. Ltd.,
HTSC No.059094500347 & 059094500282,
Represented by its Joint Managing Director
S. Chandrakumar.

...Petitioner

vs.

1. Tamil Nadu Electricity Regulatory
Commission rep.

by its Secretary,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road),
Egmore,
Chennai - 600 008.

2. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai - 600 002.

3. Chief Engineer,
Non Conventional Energy sources,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai - 600 002.

4. The Superintending Engineer,
Non Conventional Energy Sources,
Tamil Nadu Generation and Distribution
Corporation Limited,
102, Dhali Road,
Udumalpet - 642 126.



5. The Superintending Engineer,
TANGEDCO,
Dindigul Electricity Distribution Circle / North,
Dindigul.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondent and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner's HTSC No.059094500347 & 059094500282 till the entire outstanding dues of Rs.1,50,00,000/- payable to the petitioner along with interest towards refundable security deposit in the account of the petitioner's Solar Power Plant HTSC No.05-949-450-0027 is paid or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

For petitioner : Mr.R.S.Pandiyaraj

For Respondents : Mr.L.Jai Venkatesh

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the 3rd respondent to refund the security deposit amount of Rs.1,50,00,000/- paid by the petitioner for the commissioning of the solar plant by them.

2. The case of the petitioner is that they had commissioned the solar plant within the prescribed period. For getting sanction for the installation of the solar plant they have paid a security deposit of Rs.1,50,00,000/-. According to the petitioner as per the Circular issued by the respondents, the solar plant will have to be installed within a period of one year and if the same is installed / commissioned within a period of one year, the respondents will have to refund the security deposit of Rs.1,50,00,000/- paid by the petitioner. According to the petitioner even though the solar plant was commissioned by the petitioner within the prescribed period on 27.12.2019, the respondents have not refunded the security deposit of Rs.1,50,00,000/-. According to the petitioner the respondents have also admitted their liability to refund the security deposit to the petitioner but have expressed their difficulty to refund the same on the ground of their present financial position. Since the security deposit amount has not been refunded, the petitioner has filed this writ petition.



3. Heard Mr.R.S.Pandiyaraj, learned counsel for the petitioner and Mr.L.Jaivenkatesh, learned counsel for the respondents.

4. Till date, counter affidavit has not been filed by the respondents. In such circumstances, a positive direction as sought for by the petitioner in this writ petition seeking for payment of Rs.1,50,00,000/- from the respondents towards refund of security deposit amount cannot be granted by this Court at this stage. The petitioner in the writ petition has sought for refund of the security deposit amount or in the alternative has sought for adjustment of the same in the current consumption charges payable by the petitioner till the entire amount is adjusted. As observed earlier since counters have not been filed and the respondents have not admitted their liability, the only direction that can be issued in favour of the petitioner is to direct the respondents to consider the petitioner's representation dated 22.01.2020 seeking for refund of the security deposit of Rs.1,50,00,000/- or in the alternative to adjust the said security deposit amount in the current consumption charges payable by the petitioner on merits and in accordance with law after affording a fair hearing to the petitioner including granting them the right of personal hearing. No prejudice would be caused to the respondents if such an exercise is done.

5. For the foregoing reasons, this Court directs the 3rd respondent to pass final orders on the petitioner's representation dated 22.01.2020 seeking for refund of security deposit amount or in the alternative adjustment of the same in the current consumption charges payable by the petitioner within a period of twelve weeks from the date of receipt of a copy of this order after affording a fair hearing to the petitioner including granting them the right of personal hearing. In case in the final order, the 3rd respondent comes to the conclusion that the security deposit amount will have to be refunded, the same shall be refunded to the petitioner, within a period of two weeks from the date of the final order.



6. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

SD/-

ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

vsi2

To

1. The Secretary,
Tamil Nadu Electricity Regulatory Commission
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road),
Egmore,
Chennai - 600 008.

2. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
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5. The Superintending Engineer,
TANGEDCO,
Dindigul Electricity Distribution Circle / North,
Dindigul.

+1cc to Mr.R.S.Pandiyaraj, Advocate Sr.36986

W.P.No.8597 of 2022

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srg 04/07/2022