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W.P.No.27382 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.27382 of 2022
and W.M.P.No.26583 of 2022

M/s.Muthur Murugan Mills Ltd.
Rep. by its Managing Director S.S.Rajkumar
HTSC No.039094300153
No.12, 7th Street, Tatabad,
Coimbatore - 641 012.

.. Petitioner

VS

1. Tamil Nadu Electricity Regulatory Commission
Rep. by its Secretary,
19-A, RukminiLakshmipathy Salai,
(Marshall's Road),
Egmore, Chennai - 600 008.
2. The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
144, Anna Salai, Chennai 600 002.
3. Chief Engineer,
Non Conventional Energy Sources,
Tamil Nadu Generation and Distribution Corporation Ltd.,
144, Anna Salai, Chennai 600 002.
4. The Superintending Engineer,
Non Conventional Energy Sources,
Tamil Nadu Generation and Distribution Corporation Ltd.,
102, Dhali Road, Udumalpet – 642 126.



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

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of 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.039094300153 till the entire outstanding dues of Rs.10,00,000/- payable to the petitioner along with interest towards refundable security deposit in the account of the petitioner's Solar Power Plant HTSC No.039504390064 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	:	Ms.V.Revathy for Mr.M.Abul Kalam Standing Counsel

ORDER

The prayer sought for herein is for 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.039094300153 till



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the entire outstanding dues of Rs.10,00,000/- payable to the petitioner along with interest towards refundable security deposit in the account of the petitioner's Solar Power Plant HTSC No.039504390064 is paid or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

2. The petitioner is a promoter of solar power energy unit. In order to establish such unit and to supply power through TANGEDCO grid, he had to get permission from TANGEDCO, for which, he made an application.

3. At the time of making application, as per the condition imposed by the respondent TANGEDCO, a sum of Rs.10,00,000/- has been deposited as security deposit, which is a refundable amount.

4. The condition imposed by the TANGEDCO on the petitioner that, within twelve months period from the date of approval i.e., 20.01.2022, the petitioner has to complete the establishment of the units and report to TANGEDCO. If that is fulfilled by the petitioner, the security deposit of Rs.10,00,000/- would be refunded by TANGEDCO.



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5. In this context, it is the case of the petitioner that, within a period of three months, the petitioner has completed the installation work and the plant itself commissioned on 26.05.2022, therefore, he has fulfilled the condition well in advance. Therefore, he is entitled to get back the security deposit of Rs.10,00,000/- from the respondent TANGEDCO.

6. When that being so, without refunding the same or without adjusting the same towards the current consumption charges payable by the petitioner, since the current consumption charges has been demanded from the petitioner, in order to adjust the said sum of Rs.10,00,000/- payable to the petitioner by the TANGEDCO for the current consumption charges to be charged against the petitioner, the petitioner by way of a Mandamus has moved the present writ petition with the aforesaid prayer.

7. Heard Mr.R.S.Pandiyaraj, learned counsel appearing for the petitioner, who having reiterated the aforesaid, would seek indulgence of this Court.



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8. Heard Mr.M.Abul Kalam, learned Standing Counsel appearing for the TANGEDCO, who on instructions, would submit that in order to get back the security deposit, the petitioner has to make an application with necessary proof i.e, the original deposit documents of the security deposit and other documents which initially having been made to the respondents and subsequently it has been given or submitted by the petitioner to the respondents, the concerned officials of the respondent TANGEDCO also have received the same. Therefore, based on the documents received from the petitioner, it would be processed and accordingly, a decision would be taken as to whether the deposit has to be refunded and in that case it can be adjusted towards the current consumption charges payable by the petitioner.

9. In this context, it is further to be noted that in the counter affidavit, the respondent TANGEDCO has submitted that it has been processed and admitted that the amount of Rs.10,00,000/-, by way of security deposit has to be refunded to the petitioner.

10. I have considered the said rival submissions made by both sides and perused the materials placed before this Court.



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11. In view of the admitted fact as has been averted in the counter affidavit filed by the respondent TANGEDCO, that the amount of Rs.10,00,000/- by way of security deposit paid by the petitioner has to be refunded to them and therefore, the said amount could be adjusted to the current consumption charges payable by the petitioner to the respondent TANGEDCO. Therefore, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the respondent TANGEDCO to adjust the sum of Rs.10,00,000/-, which has already been paid by way of security deposit by the petitioner as stated *supra* towards the current consumption charges payable by the petitioner and a communication to that effect, after completing the same, shall be made by the respondents to the petitioner and the needful as indicated above shall be undertaken by the respondents and the communication to be made to the petitioner within a period of two weeks from the date of receipt of a copy of this order.



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12. With these directions, the writ petition is disposed of. There shall be no

order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/No
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To

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R. SURESH KUMAR, J.

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