



WEB COPY



W.P.No.33074 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.33074 of 2022
and
W.M.P.No.32478 of 2022

KAS Industries India (P) Ltd.,
HTSC No.313, S.F.No.489 & 490,
Tanneer Pandal, Naneepalayam (Post),
V.Vellode – 638 112, Erode,
Rep. by its Authorized Signatory M.Mohamed Aslam.

..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.



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4.The Superintending Engineer,
TANGEDCO,
Tuticorin Electricity Distribution Circle,
Tuticorin.

5.The Superintending Engineer,
TANGEDCO,
Erode Electricity Distribution Circle,
Erode.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of 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.049094260313 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.079514700434 is paid or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

For Petitioner : Mr.D.P.Parthasarathy

For Respondents : Ms.V.Revathy
for Mr.L.Jaivenkatesh,
Standing Counsel for R2 to R5



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ORDER

Considering the limited prayer sought for in the Writ Petition, this Writ Petition is taken up for disposal at the admission stage with the consent of the learned counsel appearing on either side.

2. The prayer in the writ petition reads as follow:

To forbear the respondent and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner's HTSC No.049094260313 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.079514700434 is paid or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

3. The issue is no longer *resintegra*. This Court had considered similar matters and had directed the respondents to adjust the refundable



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security deposit at Rs.10,00,000/-. There is no dispute regarding the fact that all the petitioners have commissioned the power plant within the specified time and that they are entitled to refund.

4. In view of the same, there will be a direction to the respondents to adjust the security deposit in the current consumption charges payable by the petitioner. Such adjustment shall start from the next bill. Till such adjustment is over, they shall not disconnect. No costs. Consequently, the connected miscellaneous petition is closed.

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dsa

Index : No

Internet : Yes

Speaking order



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To

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R.SUBRAMANIAN, J.

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