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W.P.(MD)NO.15432 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15432 of 2022

and

W.M.P.(MD)No.11068 of 2022

M/s.Dollar Industries Ltd.,
HTSC No.059094500330,
S.F.No.440, NH7, V.Pudukottai Village,
Minukkampatti Post,
Vedasandur Taluk,
Dindigul-624 711,
Represented by its Authorized Signatory,
D. Prabakaran

... 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 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,
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.059094500330 till the entire outstanding dues of Rs.40,00,000/- payable to the petitioner along with interest towards refundable security deposit in the account of the petitioner's Solar Power Plant HTSC No.059494500035 is paid or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

For Petitioner : Mr.R.M. Loganathan,
for Mr.R.S.Pandiyaraj.

For Respondents: Mr.S.Deenadhayalan,
Standing Counsel.

* * *

**ORDER**

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Heard the learned counsel appearing for the writ petitioner and the learned Standing counsel appearing for the respondents TANGEDCO.

2.The petitioner installed a solar power plant for generating 4 megawatts of electricity. The petitioner had deposited a sum of Rs.40,00,000/- as refundable security deposit. From a reading of the letter No.CE/ NCES/ SE/ Solar/ EE/ SCB/AEE2/F. M/s.Dollar Industries/D1290/19 dated 01.10.2019 issued by the Chief Engineer, Non Conventional Energy Sources, Chennai, one can easily come to the conclusion that the security deposit is refundable. It shall of course liable to be forfeited, if the petitioner was not able to commission the solar power plant within eight months from the date of issuance of noted for record letter. The “noted for record” letter was issued on 12.08.2020. The plant was also commissioned on 17.12.2020. This commissioning had been completed within two months, while Clause 24 of the letter dated 12.08.2020 provides for eight months time limit. The petitioner had more than fulfilled the contractual



requirements. The liability of TANGEDCO to refund the security deposit amount cannot be in doubt. However for more than two years, the TANGEDCO had not refunded the amount. That led to the filing of this writ petition. The petitioner wants this Court to direct adjustment of the said refund amount against their current consumption charges. The issue is no longer *res integra*. A learned Judge of this Court vide Order dated 28.10.2021 made in W.P.Nos.6776 of 2020 etc. batch had already decided the issue.

3. Respectfully following the aforesaid decision, I direct the respondents to adjust the refundable security deposit of Rs.40,00,000/- against the current consumption charges to be payable by the petitioner. This writ petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

19.07.2022

Index : Yes / No
Internet : Yes/ No

PMU/skm



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G.R.SWAMINATHAN,J.

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