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W.P.Nos.4988 & 4991 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.02.2023**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.Nos.4988 and 4991 of 2023

WP No.4991 of 2023

Sri Jagannatha Spinners
HTSC No. 039094320357
New No.43, VKK Menon Road
New Siddhapudur Coimbatore 641 044
repd.by its Authorized Signatory G. Rammohan ... Petitioner

Vs

1.Tamil Nadu Electricity Regulatory Commission
rep by its Secretary
19-A Rukminilakshmipathy Salai (Marshalls 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
TANGEDCO
Coimbatore South Electricity Distribution Circle
Coimbatore ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India,
for the issuance of a Writ of Mandamus forbearing the Respondents

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and their men, agents from collecting current consumption charges demand charges and any arrears from the petitioner's HTSC No. 039094320357 till the entire outstanding dues of Rs.20,00,000/- payable to the petitioner along with interest towards refundable security deposit in the account of the petitioners Solar Power Plant HTSC No.069514430067 is paid or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

WP No.4988 of 2023

M/s.VKSM Cotton Mills P Ltd,
HTSC No.039094350229,
SF No.2/2, Pappampatti Main Road,
Nadupalayam, Peedampalli (Post)
Ondipidur, Kalapatty (East)
Coimbatore 641 016
rep. By its Director S.Parthiban

... Petitioner

Vs

1.The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd
144, Anna Salai, Chennai 600 002

2.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
TANGEDCO
Udumalpet South Electricity Distribution Circle
Udumalpet

3.The Superintending Engineer
TANGEDCO
Coimbatore/MetroElectricity Distribution Circle
Coimbatore

... Respondents

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Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus forbearing the respondents and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner's HTSC No.039094350229 till the entire outstanding dues of Rs.2,000,000/- payable to the petitioner along with interest towards refundable security deposit in the account of the petitioner's Solar Power Plant HTSC No.049514370009 is paid or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

For the Petitioner : Mr.R.S.Pandiyaraj

For the Respondents : Mr.L.Jai Venkatesh

COMMON O R D E R

The Writ Petitions have been filed in the nature of Mandamus seeking a direction against the respondent forbearing them from collecting current consumption charges, demand charges and any arrears from the petitioner's HTSC Nos. 039094350229 and 039094320357 till the entire outstanding dues of Rs.20,00,000/- payable to the petitioners along with interest towards refundable security deposit in the account of the petitioner's Solar Power Plant HTSC Nos. 049514370009 and 069514430067 are paid or given adjustment in the current consumption charges payable by the petitioners till the entire amount is adjusted.



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2. In the affidavit filed in support of the Writ Petitions, it had been stated that the petitioners have a Solar Power Plant bearing Solar HTSC Nos. 049514370009 and 069514430067. It is under the jurisdiction of the third respondent / the Superintending Engineer, Non-Conventional Energy Sources, TANGEDCO, Udumalpet and Chief Engineer, Non Conventional Energy Sources, Chennai. It is stated that electricity is produced from the Solar Power Plant. The said electricity is also supplied to the respondents. It is stated that the petitioner had applied by letter dated 15.12.2021 for establishment of the said Solar Power Plant. Security Deposit of Rs.20,00,000/- was paid on 30.01.2020. The plant was also commissioned. This was also informed. The petitioner claims refund of the refundable Security Deposit of Rs.20,00,000/- paid. It is stated that the respondents had not refunded the amount. The respondent has been collecting the current consumption charges and had also demanded charges and arrears from the petitioner herein. The petitioner seeks adjustment of the refundable Security Deposit with the current consumption charges.

3. I am informed that there are several orders by learned Single Judges of this Court passed in this regard. A perusal of the same reveals that directions have been given to adjust the refundable Security Deposit, in this case, Rs.20,00,000/-, with the current



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consumption charges. Though the petitioner had sought that such adjustment to be made with interest at Rs.20,00,000/-, that request is not granted. The sum of Rs.20,00,000/- paid as a Security Deposit alone shall be adjusted with the current consumption charges from the next consumption bill raised by the second respondent herein. Till the adjustment is over, the petitioners should not suffer any order of disconnection.

4. The Writ Petitions stand disposed of. No order as to costs. Consequently, WMP Nos.5006 and 5011 of 2023 are closed.

21.02.2023

Index: Yes/no
mrn

To

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C.V.KARTHIKEYAN, J.
(mrn)

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