



W.P.No.5228 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23.02.2023**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

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and

W.M.P.No. 5232 of 2023

Ashok Textile Mills Private Ltd.,
S.F.No.10/243, Thuraiyur Main Road,
Ponneri Post, Namakkal 637 013,
rep. by Managing Director P. Ashok Kumar ... Petitioner
Vs

- 1 Tamil Nadu Electricity Regulatory Commission
repd. by its Secretary
19-A Rukminilakshmipathysalai
(Marshalls Road)
Egmore chennai 600 008
- 2 The Chairman
Tamil Nadu Generation and Distribution Corporation Ltd.,
144, Anna Salai, Chennai 600 002
- 3 The 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
104 Dhali Road, Udumalpet 642 126
- 5 The Superintending Engineer
TANGEDCO
Namakkal Electricity Distribution Circle
Namakkal ... 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. 049094370181 till the entire outstanding dues of Rs.90,00,000/- payable to the petitioner along with interest towards refundable security deposit in the account of the petitioner's Solar Power Plant HTSC No.049534370026 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.Pandiyaran

For the Respondents : Mr.L.Jai Venkatesh

ORDER

The Writ Petition has 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 No. 049094370181 till the entire outstanding dues of Rs.90,00,000/- payable to the petitioner along with interest towards refundable security deposit in the account of the petitioner's Solar Power Plant HTSC No. 049534370026 is paid or given adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.



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2. In the affidavit filed in support of the Writ Petition, it had been stated that the petitioner has a Solar Power Plant bearing Solar HTSC No. 049534370026. It is under the jurisdiction of the fourth respondent / the Superintending Engineer, Non-Conventional Energy Sources, TANGEDCO, Udumalpet. 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 11.01.2022 for establishment of the said Solar Power Plant. Security Deposit of Rs.90,00,000/- was paid by the petitioner. The plant was also commissioned. This was also informed. The petitioner claims refund of the refundable Security Deposit of Rs.90,00,000/- 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



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this case, Rs.90,00,000/-, with the current consumption charges. Though the petitioner had sought that such adjustment to be made with interest at Rs.90,00,000/-, that request is not granted. The sum of Rs.90,00,000/- 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 petitioner should not suffer any order of disconnection.

4. The Writ Petition stands disposed of. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

23.02.2023

Index: Yes/no
mrn

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C.V.KARTHIKEYAN, J.
(mrn)

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