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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2023

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THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.5605 of 2023
and W.M.P.No.5635 of 2023

Carbonaire Industries (Madras) Pvt., Ltd.,
HTSC.No. 099094110417,
No.207 (Old No.129), St.Mary's Road,
Alwarpet, Chennai – 600 018,
Rep. by its Director Anand K Kathare.

.. Petitioner

Vs.

- 1.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai – 600 002.
- 2.The Chief Engineer,
Non Conventional Energy Sources,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
144, Anna Salai, Chennai – 600 002.
- 3.The Superintending Engineer,
Non-Conventional Energy Sources,
TANGEDCO,
Udumalpet Electricity Distribution Circle,
Udumalpet.



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

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue 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. 099094110417 till in 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 petitioner's Solar Power Plant HTSC No. 059494500045 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 .. Mr.L.Jai Venkatesh
Standing Counsel (TANGEDCO)

ORDER

The Writ Petition has been filed in the nature of Mandamus seeking a direction against the respondents forbearing them from collecting current consumption charges, demand charges and any arrears from the petitioner's HTSC No. 099094110417 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 petitioner's Solar Power Plant HTSC No. 059494500045 is paid or given adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

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. 059494500045. It is under the jurisdiction of the third 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 25.02.2019 for establishment of the said Solar Power Plant. Security Deposit of Rs.10,00,000/- was paid on 20.11.2019 and another sum of Rs.10,00,000/- was paid on 04.09.2020. 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 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 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.

27.02.2023

(5/5)

Index: Yes/No
Internet: Yes/No
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C.V.KARTHIKEYAN,J.

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