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W.P.No.5440 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.02.2023**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.5440 of 2023

Carbonaire Industries (Madras) P Ltd.
HTSC No.099094110417,
No.207 (Old No.129) St.Mary's Road,
Alwarpet, Chennai 600018,
rep. By its Director Anand R.Kathare ... Petitioner

Vs

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

2.Chief Engineer
Non Conventional Energy Sources
Tamil Nadu Generation and Distribution Corporation Limited
144 Anna Salai, Chennai 600 002.

3.The Superitending Engineer
Non-Conventional Energy Sources
TANGEDCO,
Udumalpet Electricity Distribution Circle,
Udumalpet

4.The Superintending Engineer
TANGEDCO, Chengalpattu Electricity Distribution Circle,
Chengalpattu ... 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.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 petitioners Solar Power Plant HTSC No.059514500058 is paid or given 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.s.Madhusudhanan
for the third respondent

Mr.I.Syed Sibghatulla,
for the fourth respondent

No appearance for respondents 1 and 2

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. 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. 059514500058 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..059514500058. It is under the jurisdiction of the third respondent / the Superintendent Engineer, Non-conventional Energy Sources, 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 16.02.2021 for establishment of the said Solar Power Plant. Security Deposit of Rs.20,00,000/- 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.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



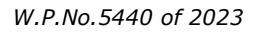
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consumption charges. Though the petitioner had sought that such adjustment to be made with interest at Rs.20,00,000/-, that request is not granted. The sum of Rs.20,00,000/- paid as a Security Deposit alone shall be adjusted with the current consumption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

4. The Writ Petition stands disposed of. No costs. Consequently, WMP No.5465 of 2023 is closed.

24.02.2023

Index: Yes/no
mrn



1.The Chairman

2.Chief Engineer

Tamil Nadu Generation and Distribution Corporation Limited

3.The Superitending Engineer

TANGEDCO,

4.The Superintending Engineer

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C.V.KARTHIKEYAN, J.
(mrn)

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