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W.P.Nos.12966 & 12969 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM
THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.Nos.12966 & 12969 of 2023

and

WMP.Nos.12742 & 12745 of 2023

M/s.OM RAAJ Solar & Wind Power Pvt. Ltd.,
No.49, Sri Sai Nivas, Cinnaiyapillai Road,
Maravaneri, Salem - 636 007.

Repd. its Director Ashwin Raj Kumar

...Petitioner in both W.Ps.

-Vs-

1. Tamil Nadu Electricity Regulatory Commission,
Repd. by its Secretary,
19-A, Rukmini Lakshmi pathy 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. Director Finance,
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai, Chennai – 600 002.
4. The Superintending Engineer,
TANGEDCO,
Tuticorin Electricity Distribution Circle,
Tuticorin.
5. The Superintending Engineer,



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TANGEDCO,
Mettur Electricity Distribution Circle,
Mettur. ...Respondents in W.P.No.12966 of 2023

-Vs-

1. Tamil Nadu Electricity Regulatory Commission,
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3. Director Finance,
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai, Chennai – 600 002.
4. The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.
5. The Superintending Engineer,
TANGEDCO,
Mettur Electricity Distribution Circle,
Mettur. ...Respondents in W.P.No.12969 of 2023

Prayer in W.P.No.12966 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the Respondent and their men, agents from collecting current consumption charges, demand charges and any arrears from the Group captive consumer M/s.Giri Exports HTSC No.049094220400 till the entire outstanding dues of Rs.10,00,000/- payable to the petitioner along with interest towards refundable security deposit in the account of the petitioner's Solar Power Plant HTSC



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No.079514700426 is paid or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

Prayer in W.P.No.12969 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the Respondent and their men, agents from collecting current consumption charges, demand charges and any arrears from the Group captive consumer M/s.Giri Exports HTSC No.049094220400 till the entire outstanding dues of Rs.10,00,000/- payable to the petitioner along with interest towards refundable security deposit in the account of the petitioner's Solar Power Plant HTSC No.079514720076 is paid or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

In Both W.Ps.:

For Petitioners : Mr.Ali Hassan Khan
For Respondents : Mr.I.Syed Sibgathulla

COMMON ORDER

Since the issue involved in the both the Writ petitions are one and the same, they are disposed of by way of this common order.

2. Considering the limited prayer sought for in these Writ Petitions, these Writ Petitions are taken up for disposal at the admission stage with the consent of the learned counsel appearing on either side.



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3. The issue involved in these Writ petitions is no longer *res integra*.

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This Court had considered similar matters and had directed the respondents to adjust the refundable security deposit at Rs.10,00,000/-. There is no dispute regarding the fact that the petitioners have commissioned the power plant within the specified time and that they are entitled to refund.

4. In view of the same, the respondents are directed to adjust the security deposit in the current consumption charges payable by the petitioners. Such adjustment shall start from the next bill. Till such adjustment is over, they shall not disconnect and the needful as indicated above shall be undertaken by the respondents and the communication to be made to the petitioners within a period of two weeks from the date of receipt of a copy of this order.

5. With these directions, these Writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

25.04.2023

skt



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Index : Yes / No
Speaking order : Yes / No
Netruai Citation Case : Yes / No

To

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