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W.P.No.21909 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.21909 of 2023
and W.M.P.No.21253 of 2023

Jaya Vinayaga & Co.,
24, 25, Vairapalayam Main Road,
Vairapalayam Post,
Erode-638003
Rep. by its Manager M.Muthukrishnan

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Generation and Distribution,
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.



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3.The Executive Engineer,
Wind Farm Project (NCES),
TANGEDCO,
Udumalpet Electricity Distribution Circle,
Udumalpet.

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to refund Rs.40,00,000/- payable to the petitioner along with interest towards refundable security deposit in the account of the petitioner's Solar Power Plant HTSC No.049514260012.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Mr.D.R.Arunkumar
Standing Counsel for TNEB
for R1 to R3

ORDER

The petitioner herein is a generator of solar energy, and he has made some security deposit at the time he commenced the project, which is liable to be refunded once the solar energy plant gets commissioned.

2.Learned counsel for the petitioner submitted that the petitioner has commissioned the solar energy plant within the time stipulated, and hence he is entitled to the return of the security deposit.



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3.Mr.D.R.Arunkumar, the learned Standing Counsel for TNEB, takes notice for respondents 1 to 3, and submitted that, as per the norms, the solar energy generation should have been commissioned within a period of one year, and there are instances where this time period may also be extended. Therefore, the return of the security deposit essentially depends on whether the petitioner is eligible for a refund.

4.In view of the above, the respondents are now required to consider the petitioner's representation for refund. In the eventuality of the respondents not agreeing with the petitioner's request for a refund, the respondents are required to give a personal audience to the petitioner or his representative and then pass appropriate orders. The whole exercise is directed to be concluded within a period of six (6) weeks from the date of receipt of an online copy or the date on which the order is hosted in the official website, whichever is earlier.



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N.SESHASAYEE, J.

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Anu

5.This Writ Petition stands disposed of accordingly. No Costs. Consequently, the connected miscellaneous petition is closed.

25.07.2023

(1/4)

Anu

Index : Yes / No

Neutral citation : yes/no

To

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