



W.P.No.22810 of 2023

W.P.No.22810 of 2023
and W.M.P.No.22272 of 2023

N.SESHASAYEE, J.

The matter is listed today under the caption "for clarification" under the instance of the learned counsel for the petitioner.

2.This petition is disposed of vide order dated 02.08.2023. The learned counsel for the petitioner submitted that there is some material deviation in narrating the facts. While both sides agree to the end conclusion, the correction is sought only with regard to certain mistakes in narrating the material facts.

3.This Court spotted the mistake and has signed the order by oversight. Since the nature of facts to be stated is slightly different from the nature of the facts as this Court has earlier dictated, it may be necessary to replace the earlier order with the right order. To repeat, *vis-a-vis* the end conclusion, there is no dispute, but *vis-a-vis* the facts narration, there is an error.

4.This Court chooses to replace the earlier order with the new order bearing the same date since the nature of correction to be carried out runs to nearly 2 to 3 Paragraphs.



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5. Accordingly, Paragraph Nos.2 and 4 of the order of this Court dated

02.08.2023 will now read as follows:

"2.The petitioner is a captive generator, and it has sold the surplus energy which it has generated to the TANGEDCO. In this regard, the TANGEDCO owes the petitioner a sum of Rs.29,20,869/- for the period from 2019 to 2023. The necessary particulars of petitioner's claim are provided to the respondents and the same has been acknowledged by them, a copy of which is made available in the typed set of papers.

4. There is a claim and a counter claim by both sides. Inasmuch as the respondent / TANGEDCO has admitted the purchase of electricity from the petitioner and also a liability of Rs.29,20,869/-, it is only appropriate that the said sum is adjusted against any of its claim against the outstanding from its end to the petitioner. Till the accounts on both sides are entirely reconciled, the respondent / TANGEDCO is prohibited from taking any coercive steps to realize its dues from the petitioner."

6.Paragraph Nos.1, 3 and 5 remain unaltered.



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7.The Registry is required to host the order now presented in the official website and also required to issue a certified copy, if applied for free of charges.

09.11.2023
(3/3)

Anu

Note: Issue order copy on 10.11.2023



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09.11.2023
(3/3)



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

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MR.JUSTICE N.SESHASAYEE

W.P.No.22810 of 2023
and W.M.P.No.22272 of 2023

Iswarya Knit - Fabs
93, Vice Thootam, Trichy Road
Palladam 641664, Tirupur
Repd. by its Authorized Signatory Sanchaikumar

... Petitioner

Vs.

1.Tamil Nadu Electricity Regulatory
Commission repd. By its Secretary
19-A, Rukmini Lakshmipathy Salai
(Marshal'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



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4.The Superintending Engineer
TANGEDCO
Palladam Electricity Distribution Circle
PALLADAM

5.The Superintending Engineer
TANGEDCO
Tirunelveli Electricity Distribution Circle
TIRUNELVELI

... Respondents

PRAYER: The 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 petitioner's HTSC No.039094390278 until the entire outstanding dues of Rs.29,20,869/- (for the period from 2019 to 2023) payable to the petitioner or to 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.Jaivenkatesh
Standing Counsel for TNEB

ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.



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2.This petition is filed seeking refund of a security deposit of Rs.29,20,869/- which the respondent is duty bound to repay. The deposit was made for establishing solar power plant and as per the norms once the solar power plant is commissioned, the respondent is obligated to refund the security deposit.

3.Mr.L.Jaivenkatesh, the learned standing counsel takes notice for the Tamil Nadu Electricity Board.

4.This Court understands that the respondent is also raising current consumption charges against the petitioner and this court now directs that the respondent is required to adjust its current consumption charges against the refundable deposit, which it is obligated to do. This arrangement will commence from September 2023.

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

02.08.2023
(3/3)

kas
Index: yes / no
Neutral Citation : Yes / No



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N.SESHASAYEE, J.
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To.

1.Tamil Nadu Electricity Regulatory
Commission repd. By its Secretary
19-A, Rukmini Lakshmipathy Salai
(Marshal's Road)
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02.08.2023
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