



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.11.2023

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.31242 of 2023

& WMP.No.30862 of 2023

Milky Mist Dairy Food Pvt Ltd

Rep By Its Managing Director T.Sathish Kumar,

SF Nos.43/1, 2, 3, 4, 55/1, 2, 3, 48.

78, 9, 10B, 11B, 12B, 13, 14, 15B

Pattakaranpalayam Village,

Perundurai- 638 057, Erode District

... Petitioner

Vs

1 Tamil Nadu Generation and Distribution
Corporation Limited,(TANGEDCO)

Represented by its Chairman and Managing Director,
144, Anna Salai, Chennai- 600 002.

2 The Chief Engineer,

TANGEDCO

Non- Conventional Energy Sources,

Second Floor, East Wing,

144, Anna Salai, Chennai- 600 002.

3 The Superintending Engineer

TANGEDCO,

Erode Electricity Distribution Circle, Erode

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the Respondent and their men agents from collecting current consumption charges demand charges and any arrears from the petitioners HTSC No.049094260454 in the 3rd Respondent Circle till the entire outstanding dues of Rs.90,00,000 /- payable to the petitioner towards refundable security deposit in respect of its two solar power plants viz., 2 MW Solar Power Plant at Periyapuliur Village, Bhavani Taluk, Erode District at Solar HTSC No. 049514260008 and 7 MW Solar Power plant at Kavilipalayam Village, Nambiyur Taluk, Erode District at Solar HTSC No.049514360011 together with interest thereon at the rate of 12 % per annum from the date of respective due date of refund till the date of actual payment, is paid or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

For Petitioner : Mr.Rahul Balaji
For Respondents : Mr.I.Syed Sibghatulla
Standing Counsel

ORDER

Mr.I.Syed Sibghatulla, learned Standing Counsel accepts notice for the respondents and is armed with instructions to enable final disposal of this matter, even at the stage of admission.

2. The prayer is for a mandamus forbearing the respondents, officials of the Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO)



from collecting current consumption charges or any further charges till the entirety of the outstanding dues of Rs.90,00,000/- is adjusted as against the consumption charges.

3. Mr.I.Syed Sibghatulla would acquiesce to the position that the amount of Rs.90.00 lakhs as quantified by the petitioner is, indeed, arrears due to the petitioner.

4. Thus, and in light of the aforesaid admission, mandamus is issued forbearing the respondents from collecting the current consumption charges and directing the respondents to adjust the outstanding dues first as against the charges.

5. It is seen that similar orders have been passed in identical circumstances in Writ Petitions in W.P.Nos.33072 of 2022 dated 07.12.2022 and W.P.No.1857 of 2023 dated 14.02.2023.

6. In light of the above, this Writ Petition stands allowed. No costs. Connected Miscellaneous Petition is closed.

01.11.2023

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Index : Yes / No

Speaking Order:Yes/No

Neutral Citation:Yes/No



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W.P.No.31242



DR.ANITA SUMANTH, J.

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To

- 1 Tamil Nadu Generation and Distribution Corporation Limited,(TANGEDCO)
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