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W.P Nos.35109, 35111, 35115, 35118, 35119 & 35123 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2023

CORAM:

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.P Nos.35109, 35111, 35115, 35118, 35119 & 35123 of 2023
and WMP No.35073, 35074, 35085, 35090, 35093 & 35100 of 2023

M/s.G.T.Process
S.F.No.192/1,2,3,4, Panchankattupalayam,
Arulpuram (PO), Tirupur – 641 605,
Repd. by its Managing Director,
R.Muthusamy ... Petitioner in WP No.35109 of 2023

Brookefields Estates (Pvt.) Ltd.,
No.67-71, Krishnasamy Road,
Coimbatore – 641 001.
Repd. By its Chief Operating Officer,
Aswin Balasubramaniam ... Petitioner in WP No.35111 of 2023

Rajaguru Spinning Mills P Ltd.,
SR No.97/2, Mampalayam Road,
Vediyarasampalayam,
Pallipalayam, Erode 08,
Repd. By its Manager
K.Saravanan ... Petitioner in WP No.35115 of 2023

M/s.Murugan Textiles
No.84, Trichy Road,
Palladam – 641 664.
Repd.by its Partner
R.K.Nachimuthu ... Petitioner in WP No.35118 of 2023



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M/s.V.R.Textiles

No.424, G.V.Residency,

Sowripalayam,

Repd. By its Partner

D.Vignesh

... Petitioner in WP No.35119 of 2023

M/s.Talco Dindigul Tanners Enviro

control Systems Pvt. Ltd.,

227/86B, Madurai Road,

Begampur, Dindigul – 624 002

Repd.by its Director

C.K.C.M.Mohaboob Subahani ... Petitioner in WP No.35123 of 2023

vs.

1.Tamil Nadu Electricity Regulatory

Commission, Repd.by its Secretary

19-A, Rukmani Lakshmiipathy 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.Chief Engineer

Non-Conventional Energy Sources,

Tamil Nadu Generation and Distribution

Corporation Limited,

144 Anna Salai,

Chennai – 600 002.

... Respondents 1 to 3 in WP Nos.35109,
35118 & 35119 of 2023

1.The Chairman

Tamil Nadu Generation and Distribution

Corporation Limited, 144 Anna Salai,

Chennai – 600 002.



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

3.Director Generation
TANGEDCO,
144, Anna Salai,
Chennai – 600 002.

Respondents 1 to 3 in WP Nos.35111,
35115 & 35123 of 2023

4.The Superintending Engineer,
TANGEDCO,
Tirupur Electricity Distribution Circle,
Tirupur ... 4th Respondent in WP No.35109/2023

4.The Superintending Engineer,
TANGEDCO,
Coimbatore Metro Electricity
Distribution Circle,
Coimbatore ... 4th Respondent in WP No.35111 & 35119 /2023

4.The Superintending Engineer,
TANGEDCO,
Namakkal Electricity Distribution Circle,
Namakkal ... 4th Respondent in WP No.35115/2023

4.The Superintending Engineer,
TANGEDCO,
Palladam Electricity Distribution Circle,
Palladam ... 4th Respondent in WP No.35118/2023

4.The Superintending Engineer,
TANGEDCO,
Dindigul Electricity Distribution Circle,
Dindigul ... 4th Respondent in WP No.35123/2023

Prayer in WP No.35109 of 2023 : Writ Petitions filed under Article 226



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of the Constitution of India, 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 petitioner's HTSC No.039094380546 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.059514500125 is paid or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

Prayer in WP No.35111 of 2023 : Writ Petitions filed under Article 226 of the Constitution of India, 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 petitioner's HTSC No.039094350360 till the entire outstanding dues of 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.069534460023 is paid or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

Prayer in WP No.35115 of 2023 : Writ Petitions filed under Article 226 of the Constitution of India, 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 petitioner's HTSC No.049094370525 till the entire outstanding dues of Rs.50,00,000/- payable to the petitioner along with interest towards refundable security deposit in the account of the petitioner's Solar Power Plant HTSC No.069534420060 is paid or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

Prayer in WP No.35118 of 2023 : Writ Petitions filed under Article 226 of the Constitution of India, 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 petitioner's HTSC No.039094390328 till the entire outstanding dues of Rs.30,00,000/- payable to the petitioner along with interest towards refundable security deposit in the account of the petitioner's Solar Power Plant HTSC No.069534460022 is paid or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.



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Prayer in WP No.35119 of 2023 : Writ Petitions filed under Article 226 of the Constitution of India, 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 petitioner's HTSC No.039094350256 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.069534460020 is paid or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

Prayer in WP No.35123 of 2023 : Writ Petitions filed under Article 226 of the Constitution of India, 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 petitioner's HTSC No.059094500172 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.059514500048 is paid or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

In all WPs.

For Petitioners : Mr.S.P.Parthasarathy

For Respondents : Mr.D.R.Arunkumar
Standing Counsel

COMMON ORDER

Mr.D.R.Arunkumar, learned Standing Counsel accepts notice for the respondents.

2. By consent of both the parties, these writ petitions are taken up for final hearing at the admission stage itself and disposed of vide this



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common order since common issues arise for consideration in these Writ Petitions.

3. The prayer is for a mandamus forbearing the respondents, viz., the 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.10,00,000/- (W.P.No.35109 of 2023), Rs.40,00,000/- (W.P.No.35111 of 2023), Rs.50,00,000/- (W.P.No.35115 of 2023), Rs.30,00,000/- (W.P.No.35118 of 2023), Rs.20,00,000/- (W.P.No.35119 of 2023) and Rs.20,00,000/- (W.P.No.35123 of 2023) are adjusted as against the consumption charges.

4. Mr.S.P.Parthasarathy, learned counsel appearing for the petitioners would submit that the issue involved in these Writ Petitions is no longer resintegra as this Court in an identical issue, viz., in W.P.No.1857 of 2023 dated 14.02.2023 considered the relief sought for by the petitioner and following the same, W.P.No.33072 of 2022 was also disposed of by this Court vide order dated 07.12.2022 by directing the respondents to adjust the refundable security deposit at Rs.1,00,00,000/-.



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Therefore, the learned counsel submitted that following the above said orders, the present Writ Petitions may also be disposed of.

5. Mr.D.R.Arunkumar, learned Standing Counsel would submit that the acquiesce to the position that issue involved in the present Writ Petitions is covered by a decision rendered by this Court in the abovesaid Writ Petitions and further agreed that the amount of Rs.10,00,000/- (W.P.No.35109 of 2023), Rs.40,00,000/- (W.P.No.35111 of 2023), Rs.50,00,000/- (W.P.No.35115 of 2023), Rs.30,00,000/- (W.P.No.35118 of 2023), Rs.20,00,000/- (W.P.No.35119 of 2023) and Rs.20,00,000/- (W.P.No.35123 of 2023), as quantified by the petitioners are indeed arrears due to the petitioners.

6. Heard both sides.

7. At the threshold, it would be beneficial to refer to the order passed by this Court in W.P.No.33072 of 2022 dated 07.12.2022 and the operative portion of the said order is extracted herein below:-

"Considering the limited prayer sought for in the Writ Petition, this Writ Petition is taken up for disposal at the admission stage with the consent of the learned counsel appearing on either side.



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2. The prayer in the writ petition reads as follows:

To forbear the respondent and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner-s HTSC No.039094380051 till the entire outstanding dues of Rs.1,00,00,000/~ payable to the petitioner along with interest towards refundable security deposit in the account of the petitioner-s Solar Power Plant HTSC No.059504500083 is paid or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

3. The issue is no longer resintegra. This Court had considered similar matters and had directed the respondents to adjust the refundable security deposit at Rs.1,00,00,000/~. There is no dispute regarding the fact that all the petitioners have commissioned the power plant within the specified time and that they are entitled to refund.

4. In view of the same, there will be a direction to the respondents to adjust the security deposit in the current consumption charges payable by the petitioner. Such adjustment shall start from the next bill. Till such adjustment is over, they shall not disconnect. No costs. Consequently, the connected miscellaneous petition is closed. "

8. Thus, in light of the above, 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 out of the Solar Security Deposit, already available with the respondents.



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9. At this juncture, the learned counsel appearing for the petitioners expressed that till the adjustment of the amounts, the respondents may be directed not to disconnect the electricity service connection of the petitioners's business premises. However, since the Solar Security Deposits are already available with the respondents, this Court is of the considered view that the question of disconnection of electricity service connection does not arise.

10. In the result, these Writ Petitions stand allowed. No costs.

Connected Miscellaneous Petitions are closed.

18.12.2023

Index: Yes/No
Speaking/Non-Speaking Order
Neutral Citation: Yes/No.
rgr

To

1.Tamil Nadu Electricity Regulatory
Commission, Repd.by its Secretary
19-A, Rukmani Lakshmipathy Salai,
(Marshall's Road), Egmore
Chennai – 600 008.



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3.Chief Engineer

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Tirupur

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KRISHNAN RAMASAMY, J.

rgf

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18.12.2023