



W.P(MD)No.28917 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.28917 of 2022

and

W.M.P(MD)No.22899 of 2022

M/s.Aruppukottai Sri Jayavilas Private Limited,
Represented by its
Authorized Signatory R.Kannan,
HT SC No.079094620068,
3/333, Melakandamangalam,
Tamilpadi (Post),
Aruppukottai Taluk – 626 129.

... Petitioner

Vs

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

2.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai, Chennai – 600 002.



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- 3.The Chief Engineer,
Non Conventional Energy Sources,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai, Chennai – 600 002.
- 4.The Superintending Engineer,
Non Conventional Energy Sources,
Tamil Nadu Generation and Distribution
Corporation Limited,
Tirunelveli.
- 5.The Superintending Engineer,
TANGEDCO,
Virudhunagar Electricity Distribution Circle/North,
Virudhunagar.

... 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 petitioner's HTSC No. 079094620068 till the entire outstanding dues of Rs.80,00,000/- payable to the petitioner along with interest towards refundable security deposit in the account of the petitioner's Solar Power Plant HTSC No. 079514620087 is paid or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

For Petitioner : Mr.N.Sudalai Muthu

For Respondents : Mr.S.Deenadhayalan
Standing Counsel



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ORDER

Heard the learned counsel on either side.

2. The petitioner installed a solar power plant for generating 8 MW electricity. They had deposited a sum of Rs.80 Lakhs as refundable security deposit. The petitioner was obliged to commission the plant within twelve months from the date of issuance of noted of record letter. The noted for issuance letter was issued on 12.05.2020. The plant was commissioned on 16.06.2022. It is well within the time stipulated. Therefore, the security deposit ought to have been refunded or adjusted. However, TANGEDCO has not done so, that led to filing of this writ petition.

3. The issue is no longer *res integra*. A learned Judge of this Court vide order dated 15.09.2019 made in W.P(MD)No.15041 of 2019 etc batch (*M/s. The Central Park South Owners Association Vs Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) & other*) has already decided the issue in favour of the consumer. I therefore direct the respondents to adjust the petitioner's refundable security deposit of Rs.80 Lakhs against the current consumption charges payable by the petitioner.



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4.This writ petition stands allowed on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

06.01.2023

Index : Yes / No
Internet : Yes/ No
NCC : Yes / No
MGA

To

- 1.The Secretary,
Tamil Nadu Electricity Regulatory
Commission,
19-A, RukminiLakshmipathy 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.The Chief Engineer,
Non Conventional Energy Sources,
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- 4.The Superintending Engineer,
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G.R.SWAMINATHAN, J.

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