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WP.Nos.1566 & 1570 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.01.2024

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.Nos.1566 & 1570 of 2024

and

W.M.P.Nos. 1587 & 1594 of 2024

In W.P.No.1566 of 2024

M/s.P.V. Spinning Mill India (P) Ltd.,
S.F.No.164/2, 165/3, 181/1A, Kovai Main Road,
Vinnapalli Post, Sathyamangalam Taluk,
Erode - 638402
Rep. by its Authorised Signatory
M.Giriraj

... Petitioner

Vs.

1.Tamil Nadu Electricity Regulatory Commission
Rep. by its Secretary,
19-A, RukminiLakshmipathy Salai,
(Marshall's Road), Egmore, Chennai - 08.

2.The Chairman,
Tamilnadu Generation and Distribution Corporation Limited,
144, Anna Salai, Chennai - 600 002.

3.The Chief Engineer,
Non Conventional Energy Sources,
Tamilnadu Generation and Distribution Corporation Limited,
144, Anna Salai, Chennai - 600 002.

4.The Superintending Engineer,
TANGEDCO, Gobi Electricity Distribution Circle,



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... Respondents=

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner's HTSC No.049094360131 till the entire outstanding dues of Rs.20,00,000/- payable to the petitioner towards refundable security deposit in the account of the Petitioner's Solar Power Plant HTSC No.049534370036 is paid or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

In W.P.No.1570 of 2024

JR METALS CHENNAI LTD.,
No.3, TKP Nagar, Manali Express Road,
Thiruvottiyur Chennai
Repd. by its Authorised Signatory
Shanmugam

... Petitioner

Vs.

- 1.The Chairman,
Tamilnadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai - 600 002.
- 2.Chief Engineer,
Non Conventional Energy Sources,
Tamilnadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai - 600 002.
- 3.Director Generation,
TANGEDCO,
144, Anna Salai,
Chennai – 600 002.
- 4.The Superintending Engineer,



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TANGEDCO,
Chennai North Electricity Distribution Circle,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner's HTSC No.019094041923 till the entire outstanding dues of Rs.2,00,80,000/- payable to the petitioner towards refundable security deposit in the account of the Petitioner's Solar Power Plant HTSC No.029474140005 is paid or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

In both W.P.'s

For Petitioner : Mr.S.P.Parthasarathy

For Respondents : Mr.Mohd. Yaqoob
for Mr.D.R.Arun Kumar
Standing Counsel

ORDER

Mr.Mohd. Yaqoob, learned counsel on behalf of Mr.D.R.Arun Kumar, learned Standing Counsel accepts notice for the respondents and is armed with instructions to enable final disposal of these matters, 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



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charges till the entirety of the outstanding dues of Rs.20,00,000/- (W.P.No.1566 of 2024) and Rs.2,00,80,000/- (W.P.No.1570 of 2024) is adjusted as against the consumption charges.

3. To be noted, that as far as W.P.No.1570 of 2024 is concerned, the petitioner accedes to the delay of three months in commissioning of 8.2 MW solar PV plant. It has suo moto deducted 20% of the deposit amount qua each month's delay and sought refund of only a sum of Rs.32,80,000/-, as against Rs.82,00,000/- being the total amount deposited. As regards the 16.09 MW plant, as the petitioner has commissioned the same within time, it had sought refund of the deposit in entirety, being Rs.1,68,00,000/-. In all, the petitioner has sought refund of an amount of Rs.2,00,80,000/- (Rs.1,68,00,000 + 32,80,000).

4. Mr.Yaqoob would acquiesce to the position that the amount of Rs.20,00,000/- (W.P.No.1566 of 2024) and Rs.2,00,80,000/- (W.P.No.1570 of 2024) as quantified by the petitioner is indeed arrears due to the petitioner.

5. Thus, and in light of the above narration, mandamus is issued directing the respondents to adjust the outstanding dues first as against the current consumption charges, till such time the dues stand exhausted.



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6. 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.

7. In light of the above discussion, these Writ Petitions stand allowed.

No costs. Connected Miscellaneous Petitions are closed.

24.01.2024

Index : Yes / No

Speaking order

Neutral citations: Yes

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To

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Dr.ANITA SUMANTH,J.

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

6.The Superintending Engineer,
TANGEDCO,
Chennai North Electricity Distribution Circle,
Chennai.

W.P.Nos.1566 & 1570 of 2024
and
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