



WEB COPY

WP No.17067 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11-01-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

**WP No.17067 of 2020
And
WMP No.21135 of 2020**

Thanjavur Spinning Mill Limited,
Represented by its Director,
Vallam One Road,
Thanjavur-613 005.

.. Petitioner

-VS-

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

2.Chief Financial Controller/Revenue,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai-600 002.



3.The Superintending Engineer,
TANGEDCO,
Thanjavur Electricity Distribution Circle,
No.1, Vallam Road,
Thanjavur-613 007.

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

5.The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

6.The Director-Finance,
TANGEDCO,
144, Anna Salai,
Chennai-600 002.

7.The Chief Engineer/NCES/.
TANGEDCO,
144, Anna Salai,
Chennai-600 002.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first to third respondents to pay an amount of Rs.2,68,95,807/-; being a sum of Rs.1,88,19,193/- towards value of Security Deposits refundable for HTSC No.11 and 98 and a further sum of Rs.80,76,614/- being the payment due towards unutilised banked energy for HTSC No.98 along with interest



thereon from the date they became due until the date of payment in terms of the applicable Regulations of the TNERC after receiving a Bank Guarantee for a sum of Rs.89,74,868/- being the sum subject matter of the electricity tax demand that is pending final adjudication.

For Petitioner : Mr.Rahul Balaji
For Respondents : Mr.D.R.Arunkumar,
Standing Counsel for TANGEDCO.

ORDER

The relief sought for in the present writ petition is to direct the first to third respondents to pay an amount of Rs.2,68,95,807/-; being a sum of Rs.1,88,19,193/- towards value of Security Deposits refundable for HTSC No.11 and 98 and a further sum of Rs.80,76,614/- being the payment due towards unutilised banked energy for HTSC No.98 along with interest thereon from the date they became due until the date of payment in terms of the applicable Regulations of the TNERC after receiving a Bank Guarantee for a sum of Rs.89,74,868/- being the subject matter of the electricity tax demand that is pending final adjudication before the Hon'ble Supreme Court



2. With reference to the claim of the writ petitioner to the tune of Rs.89,74,868/-, there is no dispute that the issues are pending before the Hon'ble Supreme Court of India for adjudication.

3. The stand of the respondent-TANGEDCO is that their interest is to be protected with reference to the appeal filed by them before the Apex Court, which is pending.

4. However, Mr.Raghul Balaji, learned counsel for the petitioner would submit that the total refund due to the petitioner is about a sum of Rs.2,68,95,807/-. Therefore, the TANGEDCO has to refund the same by accepting the Bank Guarantee, which the petitioner is ready and willing to give in favour of the TANGEDCO.

5. In view of the above undisputed fact and to strike a balance between the interest of the TANGEDCO and the petitioner, it would be suffice if a direction is issued to withhold a sum of Rs.1 crore in respect of



the claims of the TANGEDCO with respect to the electricity tax and the balance amount is to be refunded to the petitioner.

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6. Accordingly, the respondent-TANGEDCO is directed to refund the balance amount of Rs.1,68,95,807/- to the petitioner, within a period of four weeks from the date of receipt of a copy of this order and a sum of Rs.1 crore is withhold subject to the final orders to be passed by the Hon'ble Supreme Court of India in the appeal filed by the TANGEDCO.

7. With the above directions, the present writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

11-01-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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S.M.SUBRAMANIAM, J.

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