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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.Nos.22245 and 22246 of 2024

M/s.Sivasakthi Hatcheries & Farms

Rep. By its Partner Mr.C.V.Subramanian

1/300, Udumalaipet Road,

Palladam, Tiruppur.

... Petitioner in W.P.No.22245 of 2024

2. M/s.Solarcare India Private Ltd.,

Rep. By its General Manager M.Winston Prabaharan

3/336, Pollachi Road,

Gudimangalam,

Udumalaipet Taluk,

Tiruppur District.

... Petitioner in W.P.No.22246 of 2024

Vs.

1. The Secretary to Government
Secretariat, Chennai-9.

2. The Director,
TANGEDCO,
Anna Salai, Chennai.

3. The Chairman
Tamil Nadu Electricity Board,
Anna Salai, Chennai-2.

4. The Chairman,
Tamil Nadu Electricity Regulatory Commission,
144, Annasalai, Chennai-2.



5. The Chief Engineer/
Non Conventional Energy Sources (NCES)
Second Floor, Eastern Wing,
No.144 Anna Salai, Chennai-2.

... Respondents in both W.Ps

Prayer in W.P.No.22245 of 2024: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to refund the security deposit amount of Rs.45,00,000/- along with interest from the date of deposit 24.11.2014 of the said sum deposited by the petitioner towards the establishment of 4 MW Solar Power Plant at S.F.No.503/1, 503/2, 504/3, 508/2, 508/3, 508/4, 508/5 Nadupatti Village, Manapparai Taluk, Trichy District within the stipulated time as that may be fixed by this Court.

Prayer in W.P.No.22246 of 2024: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to refund the security deposit amount of Rs.50,00,000/- along with interest from the date of deposit 30.12.2019 of the said sum deposited by the petitioner towards the establishment of 10 MW Solar Power Plant at Chinna Alangulam and Mudukkan Kulam Village, Kariyapatti Taluk, Virudhunagar District within the stipulated time as that may be fixed by this Court.

In Both W.P.s

For Petitioners : Mr.N.Umapathi

For Respondents : Mr.D.R.Arunkumar RR2 to 4
Mr.Yogesh Kannadasan, SGP



RR1 to 5

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COMMON ORDER

Since the issue involved in the present writ petitions are one and the same they are disposed of by way of this common order.

2. Considering the limited prayer sought for in these Writ Petitions, these Writ Petitions are taken up for disposal at the admission stage with the consent of the learned counsel appearing on either side.

3. The issue is no longer *res integra*. This Court had considered similar matters and had directed the respondents to adjust the refundable security deposit at Rs.10,00,000/-. 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 petitioners. Such adjustment shall start from the next bill. Till such adjustment is over, they shall not disconnect and the needful as indicated above shall be undertaken by the respondents and the communication to be



made to the petitioners within a period of two weeks from the date of receipt
of a copy of this order.

5. With these directions, these writ petitions are disposed of. No costs.

07.08.2024

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Index : Yes / No

Speaking order / Non speaking order

Netrual Citation Case : Yes / No



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M.DHANDAPANI, J.



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