



WEB COPY



W.P.No.24474 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM :

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

W.P.No.24474 of 2024

and

W.M.P.No.26775 of 2024

M/s. Sri Maruthamalai Andavar Wind Energy Pvt. Ltd.,
Rep. by its Managing Director,
Perur Road, Telungupalayam Post,
Coimbatore – 641 039.

...Petitioner

Vs.

1. Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Represented by its Chairman and Managing Director,
144, Anna Salai, Chennai – 600 002.
2. The Chief Engineer,
TANGEDCO,
Non-Conventional Energy Sources,
Second Floor, East Wing,
144, Anna Salai, Chennai – 600 002.
3. The Executive Engineer,
Wind Farm Project, TANGEDCO,
Udumalpet – 642 126 .
4. The Superintending Engineer,
Perambalur Electricity Distribution Circle, TANGEDCO,
Perambalur – 621 220.



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5. The Superintending Engineer,
Coimbatore (Metro) Electricity Distribution Circle, TANGEDCO,
Coimbatore. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to forthwith and in any event within the time as may be fixed by this Hon'ble Court to refund to the petitioner of a total sum of Rs.10,00,000/- paid by the petitioner along with interest thereon, towards refund of security deposit for establishment of 1 MW Solar Power Plant at SF Nos.339/2E, 341/4, 341/6A and 341/6B at Therani Village, Alathur Taluk, Perambalur District or to adjust the said amount against the petitioner's current consumption bills in the HTSC No.0390943505323.

For Petitioner : Mr.Rahul Balaji

For Respondents : Mr.D.R.Arun Kumar

ORDER

This Writ petition has been filed by the petitioner seeking to direct the respondents to refund a total sum of Rs.10,00,000/- paid by the petitioner along with interest thereon, towards refund of security deposit for establishment of 1 MW Solar Power Plant at SF Nos.339/2E, 341/4, 341/6A and 341/6B at Therani Village, Alathur Taluk, Perambalur District or to adjust the said amount against the petitioner's current consumption bills in the HTSC No.0390943505323.



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2. In view of the consent expressed by the learned counsel on either side, this Writ Petition is taken up for final disposal at the admission stage itself.

3. Learned counsel for the petitioner submitted that, the issue involved in the present writ petition is no longer *res integra* and this Court had considered similar matters, wherein this Court had directed the respondents to adjust the refundable security deposit and there is no dispute regarding the fact that the petitioner has commissioned the power plant within the specified time and that it is entitled to refund.

4. Learned counsel appearing on behalf of the respondents did not disputed the facts submitted by the learned counsel for the petitioner and he has no objection for the similar order being passed in this Writ petition as well.

5. In view of the above, there shall 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



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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 petitioner within a period of two weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

27.08.2024

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Index : Yes / No
Speaking order : Yes / No
NCC : Yes / No

To

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M.DHANDAPANI, J.



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