



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2024

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.25376, 25379 & 25382 of 2024

and

W.M.P.No.27734, 27739 & 27751 of 2024

M/s.Pallava Textiles Pvt. Ltd.,
HTSC.No.049094220189,
SF. No.188, 191/2, 191/7, 192/1, 191/9 & 191/6,
Mangarampalayam,
Veerachipalayam Post, Sankari Taluk,
Salem District.
Rep. By its Vice President Finance,
Mr.S.P.Satheesh Kumar

... Petitioner in W.P.no.25376 of 2024

M/s.Pallava Textiles Pvt. Ltd.,
HTSC.No.049094370483,
SF. No.198, Elanthakuttai Village,
Veppadai, Tiruchengode Taluk,
Namakkal District.
Rep. By its Vice President Finance,
Mr.S.P.Satheesh Kumar

... Petitioner in W.P.no.25379 of 2024

M/s.Pallava Textiles Pvt. Ltd.,
HTSC.No.049094370474,
SF. No.456/1-5, Anangur Main Road,
Sowthapuram Post,
Patharai, Namakkal District.
Rep. By its Vice President Finance,
Mr.S.P.Satheesh Kumar

... Petitioner in W.P.no.25382 of 2024

Vs.



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1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Annasalai,
Chennai – 600 002.

2. The Director-Finance,
Tamil Nadu Generation and Distribution
Corporation Limited,(TANGEDCO),
7th Floor, 144, Annasalai,Chennai – 600 002.

3. The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,(TANGEDCO),
Mettur Electricity Distribution Circle,
Mettur.

... Respondents in W.P.No.25376 of 2024

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Annasalai,
Chennai – 600 002.

2. The Director-Finance,
Tamil Nadu Generation and Distribution
Corporation Limited,(TANGEDCO),
7th Floor, 144, Annasalai,Chennai – 600 002.

3. The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,(TANGEDCO),
Namakkal Electricity Distribution Circle,
Namakkal.

... Respondents in W.P.nos.25379 & 25382 of 2024



PRAYER in W.P.no.25376 of 2024: Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus to direct the respondents to make the refund of Rs.1,51,09,770/- along with interest @ 6.75% from 01.04.2024 up to the date of full refund of the excess Security Deposit, which is kept pending unauthorizedly with the respondents, which is legally refundable to the petitioner for his HTSC No.049094220189 as per Clause 5(5)(v) of the TN Electricity Supply Code 2004.

PRAYER in W.P.no.25379 of 2024: Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus to direct the respondents to make the refund of Rs.1,97, 84,149/- along with interest @ 6.75% from 01.04.2024 up to the date of full refund of the excess Security Deposit, which is kept pending unauthorizedly with the respondents, which is legally refundable to the petitioner for his HTSC No.049094370483 as per Clause 5(5)(v) of the TN Electricity Supply Code 2004.

PRAYER in W.P.no.25382 of 2024: Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus to direct the respondents to make the refund of Rs.2,09,79,740/- along with interest @ 6.75% from 01.04.2024 up to the date of full refund of the excess Security Deposit, which is kept pending unauthorizedly with the respondents, which is legally refundable to the petitioner for his HTSC No.049094370474 as per Clause 5(5)(v) of the TN Electricity Supply Code 2004.



For Petitioner : Mr. R.S.Pandiyaraj

For Respondents : Mr.I.Syed Sihghatulla for W.P.No.25376/2024
Mr.S.Kalaiselvan
for W.P.no.25379 & 25382 of 2024

COMMON ORDER

W.P.No.25376 of 2024 has been filed seeking for a direction to the respondents to make the refund of Rs.1,51,09,770/- along with interest @ 6.75% from 01.04.2024 up to the date of full refund of the excess Security Deposit, which is kept pending unauthorizedly with the respondents, which is legally refundable to the petitioner for his HTSC No.049094220189 as per Clause 5(5)(v) of the TN Electricity Supply Code 2004.

2. W.P.No.25379 of 2024 has been filed seeking for a direction to the respondents to make the refund of Rs.1,97, 84,149/- along with interest @ 6.75% from 01.04.2024 up to the date of full refund of the excess Security Deposit, which is kept pending unauthorizedly with the respondents, which is legally refundable to the petitioner for his HTSC No.049094370483 as per Clause 5(5)(v) of the TN Electricity Supply Code 2004.

3. W.P.No.25382 of 2024 has been filed seeking for a direction to the



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respondents to make the refund of Rs.2,09,79,740/- along with interest @ 6.75% from 01.04.2024 up to the date of full refund of the excess Security Deposit, which is kept pending unauthorizedly with the respondents, which is legally refundable to the petitioner for his HTSC No.049094370474 as per Clause 5(5)(v) of the TN Electricity Supply Code 2004.

4. Heard the learned counsel appearing for the petitioners and the learned Standing Counsel appearing for the respondents. Perused the materials available on record.

5. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

6. The petitioner is a Private Company Limited and having H.T service connection connected under the respondent for supply of power to the petitioner's Mill. It is the case of the petitioner that due to continuous recession in the Textile industry, for the past 2 ½ years due to the ongoing Ukraine-Russian War and also due to other war situations, buying capacities of the Western countries have come down drastically. The same is not



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restored even now. Based on the poor utilization of power, the quantum of Security Deposit to be kept with the respondents has come down drastically. This has resulted into a situation, whereby, the Security Deposit paid by the petitioner with the respondents has become too high than the requirement and excess Security Deposit needs to be refunded to the petitioner as per the provision of Tamil Nadu Electricity Supply Code, 2004.

7.The Tamil Nadu Electricity Regulatory Commission, Chennai vide Order No.3 of 2024, dated 12.03.2024 has passed a common order directing the respondents to pay the interest and directed that the interest available in the accounts of the consumers as on 31.03.2024 shall be intimated to the consumers by 30.06.2024 and submit a compliance report to the Commission on or before 31.07.2024.

8.According to the petitioners, despite such a direction, the amount is not yet repaid. In this regard, he has given a representation stating that Rs.1,51,09,770/-Rs.1,97, 84,149/-and Rs.2,09,79,740/- have to be refunded to him including the interest for the security deposit. However, the same is not yet considered. Hence, this petition has been filed.



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9. The learned counsel for the petitioners submitted that as per Clause 5(5)(v) of the Tamil Nadu Electricity Supply Code, 2004 the petitioners are entitled to get the refund.

10. The learned Standing Counsel appearing for the respondents has not disputed the order passed by the Tamil Nadu Electricity Regulatory Commission, Chennai. The only contention is that the respondents has returned certain amount to the petitioner. So that, a direction be given to the third respondent to calculate the same and pass orders to refund/adjust the remaining amount in the two future bills as per Tamil Nadu Electricity Supply Code, 2004.

11. In view of the above, there is no dispute with regard to the payment of interest as per Tamil Nadu Electricity Supply Code, 2004. Hence, the third respondent is directed to adjust the amount payable to the petitioner for the two future bills and balance if any, the same shall be returned by way of cheque to the petitioner within a period of one month. The orders shall be passed in this regard before 05.09.2024, so that if any



adjustment should be made in the next bills.

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12. With the above directions, this writ petition stands disposed of.

There shall be no order as to costs. Consequently connected miscellaneous petitions are closed.

29.08.2024

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Speaking Order/ Non Speaking Order : Yes / No

Index: Yes/ No

NCC: Yes/No

To

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Annasalai,
Chennai – 600 002.
2. The Director-Finance,
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO),
7th Floor, 144, Annasalai, Chennai – 600 002.
3. The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO),
Mettur Electricity Distribution Circle,
Mettur.
4. The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO),

8/10



Namakkal Electricity Distribution Circle,
Namakkal.



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M.DHANDAPANI, J.
rli

W.P.No.25376, 25379 & 25382 of 2024

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