



W.P.Nos.25393, 25400 & 25402 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.25393, 25400 & 25402 of 2024

and

W.M.P.Nos.27761, 27768 & 27772 of 2024

M/s.Pallava Textiles Private Limited,
H.T.S.C.No.049094370490,
S.F.No.13/5, Ranganoor Pudupalayam,
Elanthakuttai (Po),
Veppadai, Namakkal District.

Represented by its Vice President Finance,

Mr.S.P.Satheesh Kumar

... Petitioner in W.P.No.25393 of 2024

M/s.Pallava Textiles Private Limited,
H.T.S.C.No.049094370470,
S.F.No.45/2, Anangur Road,
Nettavelampalayam,
Tiruchengode, Namakkal District.

Represented by its Vice President Finance,

Mr.S.P.Satheesh Kumar

... Petitioner in W.P.No.25400 of 2024

M/s.Pallava Textiles Private Limited,
H.T.S.C.No.049094370545,
S.F.No.22/2, 22/3A, 22/5, 22/6, 22/7, 23/4A,
Ranganoor, Pudupalayam, Elanthakuttai (Po),
Veppadai, Namakkal District.

Represented by its Vice President Finance,

Mr.S.P.Satheesh Kumar

... Petitioner in W.P.No.25402 of 2024

Vs.

1.The Chairman,



W.P.Nos.25393, 25400 & 25402 of 2024

Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai,
Chennai – 600 002.

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

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

... Respondents in all WPs

Prayer in W.P.No.25393 of 2024 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to make the refund of the Rs.81,82,393/- 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.049094370490 as per Clause 5(5)(v) of the TN Electricity Supply Code 2004.

Prayer in W.P.No.25400 of 2024 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to make the refund of the Rs.2,77,92,632/- 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.049094370470 as per Clause 5(5)(v) of the TN Electricity Supply Code 2004.

Prayer in W.P.No.25402 of 2024 : Writ Petition filed under Article 226 of the



W.P.Nos.25393, 25400 & 25402 of 2024

Constitution of India for issuance of a Writ of Mandamus, directing the respondents to make the refund of the Rs.1,13,70,050/- 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.049094370545 as per Clause 5(5)(v) of the TN Electricity Supply Code 2004.

For Petitioner : Mr.R.S.Pandiyaraj
(in all WPs)

For Respondents : Mr.S.Kalaiselvan
(in all WPs) Standing Counsel

COMMON ORDER

Since the issue involved in these writ petitions are one and the same, with the consent of the learned counsel appearing for the parties, these writ petitions were heard together and disposed of by this common order.

2. Mr.S.Kalaiselvan, learned Standing Counsel, accepts notice on behalf of the respondents. In view of the consent expressed by the learned counsel appearing for the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel appearing for the petitioner and the learned



W.P.Nos.25393, 25400 & 25402 of 2024

Standing Counsel appearing for the respondents and perused the materials available on record.

4. The petitioner is a Private Company Limited and having H.T Service Connection Nos.049094370490, 049094370470 and 049094370545 connected under the 3rd respondent for supply of power to the petitioner's Mills. 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 and the same is not 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.

5. 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



W.P.Nos.25393, 25400 & 25402 of 2024

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.

6. According to the petitioner, despite such a direction, the amount is not yet repaid. In this regard, he has given representation stating that Rs.81,82,393/- , Rs.2,77,92,632/- and Rs.1,13,70,050/- respectively are to be refunded to him including the interest for the security deposit. However, the same is not yet considered. Hence, these petitions have been filed.

7. Learned counsel for the petitioner submitted that as per Clause 5(5)(v) of the Tamil Nadu Electricity Supply Code, 2004, the petitioner is entitled to get the refund.

8. 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.



W.P.Nos.25393, 25400 & 25402 of 2024

WEB COPY

9. 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.

10. With the above directions, these writ petitions stand disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

30.08.2024

Index : Yes / No
Speaking order / Nonspeaking order
Neutral Citation Case : Yes / No
sp

Note: Issue order copy on or before 03.09.2024.



W.P.Nos.25393, 25400 & 25402 of 2024

To

WEB COPY

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



WEB COPY



W.P.Nos.25393, 25400 & 25402 of 2024

M.DHANDAPANI, J.

sp

W.P.Nos.25393, 25400 & 25402 of 2024
and
W.M.P.Nos.27761, 27768 & 27772 of 2024

30.08.2024