



WEB COPY



W.P.No.33439 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.33439 of 2024
and W.M.P.No.36220 of 2024

Space Textiles P Ltd.,
HTSC No. 039094350352
Sree Vignesh Kiruba, 738 D, White field,
New Dhamu Nagar, Puliyakulam Road
Pappanayakanpalayam, Coimbatore – 641654
repd. its Manager
Manickam

... Petitioner

VS.

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

2.Chief Engineer,
Non Conventional Energy Sources,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai
Chennai 600 002.

3.The Superintending Engineer
TANGEDCO,
Coimbatore Metro Electricity Distribution Circle,
COIMBATORE

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of



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India, to issue a Writ of Mandamus, forbearing the Respondent and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner's HTSC No. 039094350352 till the entire outstanding dues of Rs.30,00,000/- payable to the petitioner along with interest towards refundable security deposit in the account of the Petitioner's Solar Power Plant HTSC No. 079514720081 is paid or give adjustment in the current consumption charges payable by the Petitioner till the entire amount is adjusted.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Mr.D.R.Arunkumar
Standing Counsel for TNEB

ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

2. The petitioner herein seeks issue of Writ of Mandamus, forbearing the respondents from collecting current consumption charges, demand charges and any arrears from the petitioner's HTSC No. 039094350352 till the entire outstanding dues of Rs.30,00,000/- payable to the petitioner along with interest towards refundable security deposit in respect of Petitioner's Solar Power Plant HTSC No. 079514720081 is paid or give adjustment in



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the current consumption charges payable by the petitioner till the entire amount is adjusted.

3. It is the case of the petitioner that it applied for commissioning of 3MW Solar Power Plant as per TNERC's Solar Order. As a precondition, the petitioner deposited a sum of Rs.30,00,000/- towards refundable security deposit. It is stated that the said deposit was made subject to the condition that the petitioner shall commission the solar plant within 12 months. If the petitioner adhere to the time schedule for commissioning of plant, it is entitled to refund of the entire amount. In the case on hand, the petitioner was issued with letter for commissioning of Solar Power Plant by the respondent on 09.01.2023 and commissioning of the Plant was completed within 3 months on 30.03.2023. Therefore, the petitioner is entitled to refund of the security deposit.

4. In spite of several representations made by the petitioner, the respondents failed to refund the deposit amount, therefore, the petitioner has come before this Court with a prayer to adjust the current consumption charges payable by the petitioner with the security deposit made by it for



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commissioning of the solar power plant, which is refundable by the respondent to the petitioner.

5. Mr.D.R.Arunkumar, learned Standing Counsel for TNEB, who is taking notice for the respondents, on instructions, would submit that there is no dispute with regard to the commissioning of the solar power plant within time. Therefore, the petitioner is entitled to refund of the security deposit.

6. In similar cases, this Court directed the respondents to adjust the amount payable by the petitioners with refundable security deposit. Therefore, this Court is inclined to pass similar order in this writ petition also.

7. In view of the undisputed position that petitioner is entitled to refund of security deposit, the respondents are directed to adjust the security deposit amount of Rs.30,00,000/- (Solar Power Plant HTSC.No.079514720081) lying with them towards current consumption charges, demand charges etc., payable by the petitioner (HTSC No.039094350352). Till the entire security deposit amount gets exhausted,



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the respondents shall not disconnect the power connection on the ground that the petitioner failed to pay the consumption charges.

8. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

08.11.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm

To

1. The Chairman
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Chennai 600 002
2. Chief Engineer,
Non Conventional Energy Sources,
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S.SOUNTHAR, J.

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