



WEB COPY



W.P.No.34563 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.34563 of 2024

and

W.M.P.No.37474 of 2024

M/s.Sumathi Spinning Mills,
HTSC No.039094300166,
No.3/48C, sathy Road, Kariyampalayam,
Annur, Coimbatore-641653
repd. by its Dinesh

... Petitioner

VS.

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

4.The Superintending Engineer,
TANGEDCO, Coimbatore South Electricity Distribution Circle,
COIMBATORE
... Respondents



W.P.No.34563 of 2024

PRAYER: Writ Petition is filed under Article 226 of the Constitution of 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. 039094300166, till the entire outstanding dues of Rs.15,00,000/- payable to the petitioner along with interest towards refundable security deposit in the account of the Petitioner's Solar Power Plant HTSC No. 069534460085 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 Respondent and their men, agents from collecting current consumption



W.P.No.34563 of 2024

charges, demand charges and any arrears from the petitioner's HTSC No. 039094300166, till the entire outstanding dues of Rs.15,00,000/- payable to the petitioner along with interest towards refundable security deposit in the account of the Petitioner's Solar Power Plant HTSC No. 069534460085 is paid or given adjustment in the current consumption charges payable by the Petitioner.

3. It is the case of the petitioner that it applied for establishment of 1.5MW Solar Power Plant as per TNERC's Solar Order. As a precondition, the petitioner deposited a sum of Rs.15,00,000/- 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 3rd respondent on 29.03.2024 and commissioning of the Plant was completed within 5 months on 22.08.2024. Therefore, the petitioner is entitled to refund of the security deposit.



W.P.No.34563 of 2024

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 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 and hence, 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 (i.e., order in W.P.No.33439 of 2024). 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



W.P.No.34563 of 2024

deposit amount of Rs.15,00,000/- (Solar Power Plant

HTSC.No.069534460085) lying with them towards current consumption charges, demand charges etc., payable by the petitioner (HTSC No.039094300166), till the entire security deposit amount gets exhausted. The respondents shall not disconnect the power connection on the ground that the petitioner failed to pay the consumption charges, till the adjustment of entire security deposit amount of Rs.15,00,000/- as against charges payable by the petitioner.

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

19.11.2024
(1/2)

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



W.P.No.34563 of 2024

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S.SOUNTHAR, J.

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W.P.No.34563 of 2024

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