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W.P.No.35065 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.35065 of 2024

ARN Green Energy Private Limited
Represented by its Director,
Mr.K.Syed Mustafa,
No.15, ARN Residency,
Marapalam Road, KAS Nagar,
Erode 638 003.

... Petitioner

vs.

1. The Tamil Nadu Generation and Distribution Corporation Limited, (TANGEDCO),
Represented by its Chairman & Managing Director,
No.144, Anna Salai, Chennai 600 002
2. The Chief Engineer,
Non - Conventional Energy Sources,
Tamil Nadu Green Energy Corporation Limited,
No.144, Anna Salai, Chennai 600 002.
3. The Chief Financial controller / Revenue
TANGEDCO,
7th Floor, East Wing,
No.144, Anna Salai,
Chennai - 600 002.
4. The Superintending Engineer,



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TANGEDCO,
Tuticorin Electricity Distribution Circle,
Tuticorin District.

5. The Superintending Engineer,
TANGEDCO,
Coimbatore Metro Electricity Distribution Circle,
Coimbatore District.

... Respondents

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 user until the entire outstanding dues of Rs.10,00,000/- payable to the petitioner along with interest towards refundable security deposit in the account of petitioner's Solar Power Plant in Solar HTSC No.079514700576 is paid or give adjustment in the current consumption charges payable by petitioner's group captive user in HTSC No.039094350333 of Coimbatore - Metro EDC till the entire amount is adjusted, based on the petitioner's representation dated 22.10.2024 submitted to the second respondent within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Senthil

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

ORDER



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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 user until the entire outstanding dues of Rs.10,00,000/- payable to the petitioner along with interest towards refundable security deposit in the account of petitioner's Solar Power Plant in Solar HTSC No.079514700576 is paid or give adjustment in the current consumption charges payable by petitioner's group captive user in HTSC No.039094350333 of Coimbatore - Metro EDC till the entire amount is adjusted, based on the petitioner's representation dated 22.10.2024 submitted to the second respondent within a time frame as may be fixed by this Court.

3. It is the case of the petitioner that it applied for commissioning of 1MW Solar Power Plant as per TNERC's Solar Order. As a precondition, the



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petitioner deposited a sum of Rs.10,00,000/- 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 05.02.2024 and commissioning of the Plant was completed within 3 months on 30.04.2024. 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 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



time. Therefore, the petitioner is entitled to refund of the security deposit.

also.

consumption charges.

8. With the above directions, the Writ Petition stands disposed of.



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No costs. Consequently, the connected writ miscellaneous petition is closed.

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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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S. SOUNTHAR, J.

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