



W.P.No.35371 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 29.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.35371 of 2024

Rithan Green Power Private Limited,
represented by its Director,
Mr.P.Kuppusamy,
No.32, Vasavi Nagar Extension,
Udumalpet, Tirupur District 643 126.
Petitioner

...

Vs.

1. Tamil Nadu Generation & 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,
TANGEDCO, Tuticorin Electricity Distribution Circle,
Tuticorin District.



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

Prayer: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Mandamus, forbearing the respondents 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.20,00,000/- payable to the petitioner along with interest towards refundable security deposit in the account of petitioner's Solar Power Plant in Solar HTSC No.079514700578 is paid or give adjustment in the current consumption charges payable by petitioner's group captive user in HTSC No.039094300486 of Coimbatore-North EDC till the entire amount is adjusted, based on the petitioner's representation dated 23.10.2024 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



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ORDER

This writ petition is filed seeking to issue a writ of mandamus, forbearing the respondents from collecting current consumption charges until the dues of Rs.20,00,000/- payable to the petitioner along with interest towards refundable security deposit in the account of petitioner's Solar Power Plant in Solar HTSC No.079514700578 is paid; or give adjustment in the current consumption charges payable by petitioner's group captive user in HTSC No.039094300486 of Coimbatore-North EDC till the entire amount is adjusted, based on the petitioner's representation dated 23.10.2024 submitted to the second respondent, within a time frame as fixed by this court.

2. It is the case of the petitioner that, it applied for establishment of 2 MW Solar Power Plant, as per the tariff orders issued by the TNERC. As a precondition, the petitioner deposited a sum of Rs.20,00,000/- towards security deposit, which is refundable. 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



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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 30.04.2024d. 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 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.



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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.079514700578) lying with them towards current consumption charges, demand charges etc., payable by the petitioner (HTSC No.039094300486). 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.

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

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Index:Yes/No
Internet:Yes/No
mst



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To

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Corporation Limited (TANGEDCO),
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Tamil Nadu Green Energy Corporation Limited,
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S.SOUNTHAR, J.

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