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W.P.No.36974 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.36974 of 2024

M/s.GTB Global Private Limited

Plot No.106, 2nd Link Street,

Nehru Nagar,

Old Mahabalipuram Road,

Chennai-600 041 Rep. By its

Authorized Signatory Mr.V.Sivakumar

...Petitioner

Vs.

1. The Chairman

Tamil Nadu Generation and Distribution Corporation Limited

144, Anna Salai, Chennai-600 002.

2.The Chief Engineer

Non-Conventional Energy Sources

Tamil Nadu Generation and Distribution Corporation Limited

144, Anna Salai, Chennai-600 002.

3. The Director-Generation

Tamil Nadu Generation and Distribution Corporation Limited

144, Anna Salai, Chennai-600 002.

4. The Superintending Engineer

TANGEDCO,Dindigul Electricity Distribution Circle,

Dindigul-624 002.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for



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issuance of a Writ of Mandamus, directing the 2nd respondent, to refund the Rs.20,00,000 /- payable to the petitioner along with interest toward refundable security deposit deposited by the petitioner initially for the purpose of establishment of 2 MW Solar Power Plant vide receipt dated 19/01/2023 and 29/04/2023 as per the petitioner's representation dated 13/06/2024.

For Petitioner : Mr.M.N.Balakrishnan

For respondents 1 to 4 : Mr.D.R.Arun Kumar
Standing Counsel (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 a direction to the respondents to refund a sum of Rs.20,00,000 /- payable to the petitioner along with interest towards refundable security deposit in respect of petitioner's 2 MW Solar Power Plant.

3. It is the case of the petitioner that it applied for establishment of 2 MW Solar Power Plant as per the TNERC's Solar Order No.5/2018, dated 28.03.2018. As a precondition, the petitioner deposited a sum of Rs.20,00,000/-



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towards refundable security. The letter of approval was issued to the petitioner for commissioning of the solar power plant on 05.05.2023 and the petitioner satisfactorily commissioned the said plant on 31.03.2024 well within the time limit. Therefore, the petitioner is entitled to refund of the entire security deposit amount. In spite of the commissioning of the solar power plant within time, the respondents have not paid the deposit amount to the petitioner. Hence, the petitioner has come before this Court.

4. Mr.D.R.Arunkumar, learned Standing Counsel (TNEB), who is taking notice for the respondents would submit that the petitioner's solar power plant was commissioned within the time limit. Therefore, the petitioner is entitled to refund of the entire security deposit amount.

5. In view of the same, the 2nd respondent is directed to refund the security deposit amount of Rs.20,00,000/- paid by the petitioner as a precondition for commissioning of Solar Power Plant within a period of six weeks from the date of receipt of copy of this order.



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6. With the above direction, the Writ Petition stands disposed of. No costs.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
nr

To

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144, Anna Salai, Chennai-600 002.

2. The Chief Engineer

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S.SOUNTHAR, J.

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