



W.P.No.37201 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 05.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.37201 of 2024 and
WMP No.40202 of 2024

M/s Veena Wind Energy Pvt. Ltd.,
No.149, West Main Road, Nasiyanur,
Erode 638107.
rep. by its Authorized Signatory
A. Varatharajan

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Generation & Distribution
Corporation Limited,
No.144, Anna Salai, Chennai 600 002.
2. The Chief Engineer,
Non-Conventional Energy Sources,
Tamil Nadu Generation and Distribution Corporation Limited,
No.144, Anna Salai, Chennai 600 002.
3. The Director Generation.
TANGEDCO, No.144,
Anna Salai, Chennai 600 002.
4. The Superintending Engineer,
TANGEDCO, Coimbatore South Electricity
Distribution Circle, Coimbatore.

... Respondents



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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 Group captive consumer M/s ARC Mills Pvt. Ltd. HTSC No.039094320088 till 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.059514500184 is paid or give adjustment in the current consumption charges payable by petitioner till the entire amount is adjusted.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Mr. D.R.Arunkumar, Standing Counsel

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 for issuance of writ of mandamus, forbearing the respondents from collecting current consumption charges



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demand charges and any arrears from the petitioner's HTSC No. 039094320088 till 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.059514500184 is paid or give adjustment in the current consumption charges payable by petitioner till the entire amount is adjusted.

3. 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 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 14.12.2023 and commissioning of the Plant was completed within 4 months on 31.03.2024. Therefore, the



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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.

6. In similar case (W.P.No.34564 of 2024), 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.



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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.20,00,000/- (Solar Power Plant HTSC.No.059514500184) lying with them towards current consumption charges, demand charges etc., payable by the petitioner (HTSC No.039094320088). 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.

05.12.2024
(1/3)

Index:Yes/No
Internet:Yes/No
mst

To

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Tamil Nadu Generation & Distribution
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No.144, Anna Salai, Chennai 600 002.



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S.SOUNTHAR, J.

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