



WEB COPY



W.P.No.38032 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.38032 of 2024

M/s Indway Prime Energy (P) Ltd,
No. 5 A, Ramalinga Adigalar Nagar,
Nehru Nagar Est, Civil Aerodrome Post,
Coimbatore – 14 repd. by its
Authorized Signatory
K.P.Senthilkumar

... Petitioner

VS.

1.The Chairman,
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

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondent to refund the Rs.10,00,000/- payable to the petitioner towards refundable security deposit in the account of the Petitioner's Solar Power Plant HTSC No.059514500143.

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 a direction to the respondents to refund a sum of Rs.10,00,000/- payable to the petitioner towards refundable security deposit in respect of petitioner's Solar Power Plant HTSC No.059514500143.



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3. It is the case of the petitioner that it applied for establishment of 5 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.10,00,000/- towards refundable security. The letter of intent was issued to the petitioner for commissioning of the solar power plant on 11.04.2022 and the petitioner satisfactorily commissioned the said plant on 14.12.2022 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, 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.10,00,000/- paid by the petitioner as a precondition for commissioning of Solar Power Plant in HTSC



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No.059514500143, within a period of six weeks from the date of receipt of copy of this order.

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

12.12.2024
(3/5)

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



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To

- 1.The Chairman,
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S.SOUNTHAR, J.

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