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W.P.No.39265 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.39265 of 2024

M/s. Pothys Retail Private Limited

15, Pothys Traditional,

Nageswara Roa Road,

T. Nagar, Chennai 600 017

Repd. By Its Authorized Signatory S. Ramesh ... 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

Tamilnadu Generation And Distribution Corporation Ltd,

144, Anna Salai, Chennai-600 002

4.The Superintending Engineer

TANGEDCO,

Madurai Electricity Distribution Circle,

Madurai.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioners HTSC No.059094630099 till the entire



W.P.No.39265 of 2024

outstanding dues of Rs.30,00,000/- payable to the petitioner along with interest towards refundable security deposit in the account of the petitioners Solar Power Plant HTSC No.069534420064 is paid or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

For Petitioner : Mr.R.S.Pandiyaraj
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 issue of Writ of Mandamus, forbearing the respondents from collecting current consumption charges, demand charges and any arrears from the petitioner's HTSC No. 059094630099 till the entire outstanding dues of Rs.30,00,000/- payable to the petitioner along with interest towards refundable security deposit in respect of Petitioner's Solar Power Plant HTSC No.069534420064 is paid or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.



W.P.No.39265 of 2024

WEB COPY

3. It is the case of the petitioner that it applied for establishment of 3 MW Solar Power Plant as per TNERC's Solar Order. As a precondition, the petitioner deposited a sum of Rs.30,00,000/- 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 3rd respondent on 15.03.2023 and commissioning of the Plant was completed within 1 month on 31.03.2023. 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 respondents to the petitioner.



W.P.No.39265 of 2024

WEB COPY

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 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.069534420064) lying with them towards current consumption charges, demand charges etc., payable by the petitioner HTSC No. 059094630099 . 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.



WEB COPY



W.P.No.39265 of 2024

8. With the above directions, the Writ Petition stands disposed of. No costs.

21.12.2024
(5/5)

Index: Yes/No
Internet: Yes/No
nr

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