



WEB COPY



W.P.No.39167 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.39167 of 2024

M/s. Shaba Solar Power Pvt ltd.,
No.28/159, Meenachisundaram Street,
Thirunagar Colony, Erode District
Repd. by its Authorized Signatory
Nijamudeen Mohamed Hamidh

... 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.The Director Generation,
TANGEDCO,
144, Anna Salai
Chennai 600 002

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to refund the



W.P.No.39167 of 2024

Rs.10,00,000/- payable to the petitioner along with interest towards refundable security deposit in the account of the Petitioner's Solar Power Plant HTSC No.079514700627.

For Petitioner : Mr.S.Lakshmipathy

For Respondents : Mr.D.R.Arunkumar
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.10,00,000/- payable to the petitioner towards refundable security deposit in respect of petitioner's Solar Power Plant HTSC No.079514700627.

3. It is the case of the petitioner that it applied for establishment of



W.P.No.39167 of 2024

1 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 22.03.2024 and the petitioner satisfactorily commissioned the said plant on 12.09.2024 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 undisputed position that the petitioner commissioned the solar power plant within the time stipulated and entitled for refund of the security deposit, this Court is inclined to issue a direction to the 3rd respondent to refund the security deposit amount of Rs.10,00,000/- to the



W.P.No.39167 of 2024

petitioner in respect of the petitioner's Solar Power Plant HTSC
No.079514700627, within a period of four weeks from the date of receipt of
copy of this order.

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

20.12.2024
(2/3)

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



W.P.No.39167 of 2024

To

- 1.The Chairman,
Tamil Nadu Generation and Distribution
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W.P.No.39167 of 2024

S.SOUNTHAR, J.

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W.P.No.39167 of 2024

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