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W.P.(MD)No.20024 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2024

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.20024 of 2024

and

W.M.P.(MD)No.16979 of 2024

M/s.Sri Jayavilas Subbaraj Spinning Mills (P) Ltd.,
Represented by Director V.Prem Subbaraj,
HT SC No.0790946210150,
Tamilpadi Post, Aruppukottai-626 129.

... Petitioner

Vs.

1.Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO),
Represented by its Chairman,
144, Anna Salai, Chennai.

2.The Director-Finance,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
7th Floor, 144-Annasalai, Chennai-600 002.

3.The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
TANGEDCO Ltd., Virudhunagar.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to make the refund of Rs.52,34,358/- along with interest @ 6.75% from 01.04.2024 upto the date of full refund of the excess Security Deposit, which is kept pending unauthorizedly with the respondents, which is legally refundable to the petitioner for his H.T.S.C.No.079094620150 as per Clause 5(5)(v) of the TN Electricity Supply

Code 2004.

<https://www.mhc.tn.gov.in/judis>



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For Petitioner : Mr.N.Sudalaimuthu
For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

This Writ Petition has been filed seeking for a direction to the respondents, to make refund of Rs.52,34,358/- along with interest alias 6.75% from 01.04.2024 up to the date of full refund of the excess Security Deposit, which is kept pending unauthorizedly with the respondents, which is legally refundable to the petitioner for his H.T.S.C.No.079094620150 as per Clause 5(5) (v) of the TN Electricity Supply Code 2004.

2.Heard Mr.N.Sudalaimuthu, the learned counsel appearing for the petitioner and Mr.S.Deenadhayalan, learned Standing Counsel appearing for the respondents and perused the materials available on record.

3.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4.The petitioner is a Private Company Limited and having H.T. service connection No.079094620150 connected under the respondent for supply of power to the petitioner's Mill. It is the case of the petitioner that due to



continuous recession in the Textile industry, for the past 2 ½ years due to the ongoing Ukraine-Russian War and also due to other war situations, buying capacities of the Western countries have come down drastically. The same is not restored even now. Based on the poor utilization of power, the quantum of Security Deposit to be kept with the respondent has come down drastically. This has resulted into a situation, whereby, the Security Deposit paid by the petitioner with the respondent has become too high than the requirement and excess Security Deposit needs to be refunded to the petitioner as per the provision of Tamil Nadu Electricity Supply Code, 2004.

5.The Tamil Nadu Electricity Regulatory Commission, Chennai vide Order No.3 of 2024, dated 12.03.2024 has passed a common order directing the respondents to pay the interest and directed that the interest available in the accounts of the consumers as on 31.03.2024 shall be intimated to the consumers by 30.06.2024 and submit a compliance report to the Commission on or before 31.07.2024.

6.According to the petitioner, despite such a direction, the amount is not yet repaid to the petitioner. In this regard, the petitioner has given a representation, dated 26.07.2024 stating that a sum of Rs.52,34,358/- has to be refunded to the petitioner including the interest for the security deposit.



However, the same has not been considered so far. Hence, this petition has been filed.

7.The learned counsel for the petitioner submitted that as per Clause 5(5) (v) of the Tamil Nadu Electricity Supply Code, 2004 the petitioner is entitled to get the refund of the excess security deposit.

8.The learned Standing Counsel appearing for the respondents has not disputed the order passed by the Tamil Nadu Electricity Regulatory Commission, Chennai. The only contention is that the respondent has returned a portion of the amount to the petitioner. Hence, he seeks a direction to the second respondent to pass orders to refund/adjust the remaining amount in the two future bills as per Tamil Nadu Electricity Supply Code, 2004.

9.There is no dispute with regard to the refund of excess security deposit amount and the payment of interest as per the Tamil Nadu Electricity Supply Code, 2004 and orders of the Tamil Nadu Electricity Regulatory Commission, Chennai. Hence, the 2nd respondent is directed to adjust the amount payable to the petitioner for the two future bills and balance, if any, and pass orders in this regard within a period of one week from the date of receipt of a copy of this order, so that if there is any adjustment, it shall be done in the next bills.



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Thereafter, the amount shall be refunded to the petitioner by way of cheque within a period of one month therefrom.

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10. With the above directions, this writ petition stands disposed of. There shall be no order as to costs. Consequently connected miscellaneous petition is closed.

22.08.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

1. Tamil Nadu Generation and Distribution Corporation Limited, (TANGEDCO),
Represented by its Chairman,
144, Anna Salai, Chennai.
2. The Director-Finance,
Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
7th Floor, 144-Annasalai, Chennai-600 002.
3. The Superintending Engineer,
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N.SATHISH KUMAR, J.

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