



W.P.(MD)No.19610 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.19610 of 2024
and WMP(MD) No.16623 of 2024

M/s.Aruppukottai Sri Jayavilas Private Limited,
Aruppukottai.
Rep. By its Electrical Manager,
Mr.R.Kannan

... Petitioner

Vs

1. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
TANGEDCO,
144, Anna Salai,
Chennai 600 002.

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

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

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus Mandamus, directing the respondents, to make the refund of the Rs.2,63,72,950/- along with interest @ 6.75



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percent 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 HTSC No.079094620068, as per Clause 5(5)(v) of the TN Electricity Supply Code 2004

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.2,63,72,950/- 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. 079094620068, 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. 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.



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4.The petitioner is a Private Company Limited and having H.T service connection No. 079094620068 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, 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.



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6. According to the petitioner, despite such a direction, the amount is not yet repaid. In this regard, he has given a representation, dated 09.08.2024 stating that a sum of Rs. 2,63,72,950/- is to be refunded to him including the interest for the security deposit. However, the same is not yet considered. 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.

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 certain amount to the petitioner. So that, a direction be given to the second respondent to calculate the same and pass orders to refund/adjust the remaining amount in the two future bills as per Tamil Nadu Electricity Supply Code, 2004.



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9.In view of the above, there is no dispute with regard to the payment of interest as per Tamil Nadu Electricity Supply Code, 2004. Hence, the 3rd respondent is directed to adjust the amount payable to the petitioner for the two future bills and balance if any, the same shall be returned by way of cheque to the petitioner within a period of one month. The orders shall be passed within a period of one week from the date of receipt of copy of this order, so that if any adjustment should be made in the next bills.

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.

16.08.2024

NCC : Yes/No
Index : Yes/No
PNM



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ORDER IN

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