



W.P.(MD)Nos.19721 and 19722 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)Nos.19721 and 19722 of 2024
and W.M.P(MD).Nos.16706 and 16734 of 2024

W.P(MD).No.19656 of 2024

M/s.Sri Kaderi Ambal Mills Private Limited,
Rep., by its Managing Director SV.Pethaperumal
HTSC No 059094600046
Peratukottai Village, Shanmuganathapuram 630 374

.. Petitioner

Vs.

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

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

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

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to make the refund of the Rs.28,15,086/- along with interest



W.P.(MD)Nos.19721 and 19722 of 2024

@ 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.059094600046 as per Clause 5(5)(v) of the TN Electricity Supply Code 2004.

W.P(MD).No.19656 of 2024

M/s.Sri Kaderi Ambal Mills Private Limited,
Rep., by its Managing Director SV.Pethaperumal
HTSC No 059094600075
Peratukottai Village, Shanmuganathapuram 630 374

.. Petitioner

Vs.

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2.The Director-Finance,
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3.The Superintending Engineer,
Sivagangai Electricity Distribution Circle,
TANGEDCO Ltd., Sivagangai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to make the refund of the Rs.62,32,410/- along with interest @ 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



W.P.(MD)Nos.19721 and 19722 of 2024

respondents, which is legally refundable to the petitioner for his H.T.S.C.No.059094600075 as per Clause 5(5)(v) of the TN Electricity Supply Code 2004.

In both cases

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

COMMON ORDER

These Writ Petitions have been filed seeking for a direction to the respondents, to make refund of Rs.28,15,086/- and Rs.62,32,410/- 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.059094600046 and H.T.S.C.No.059094600075 respectively, 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.



W.P.(MD)Nos.19721 and 19722 of 2024

3. By consent of both parties, these Writ Petitions are 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 Nos. 059094600046 and 059094600075 respectively 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



W.P.(MD)Nos.19721 and 19722 of 2024

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. In this regard, he has given a representation, dated 03.08.2024 stating that a sum of Rs.28,15,086/- and Rs.62,32,410/- in respect of the petitioner company 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



W.P.(MD)Nos.19721 and 19722 of 2024

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.

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 2nd 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 in this regard before 06.09.2024, so that if any adjustment should be made in the next bills.

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

19.08.2024

Index : Yes / No

NCC : Yes / No

Rmk



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W.P.(MD)Nos.19721 and 19722 of 2024



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W.P.(MD)Nos.19721 and 19722 of 2024

N.SATHISH KUMAR, J.

Rmk

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W.P.(MD)Nos.19721 and 19722
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