



WP(MD). No.21861 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 20/09/2024

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The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.21861 of 2024
and WMP(MD) No.18522 of 2024

M/s.Kayaar Exports Private Limited
Railway Feeder Road
K.R.Nagar
Kovilpatti represented by its Managing Director
R.Arunachalam

... Petitioner

Vs

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

2. The Chief Engineer,
Non Conventional Energy Sources,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai 600 002.

3. The Superintending Engineer,
Tangedco,
Tuticorin Electricity
Distribution Circle,
Tuticorin.

... Respondents



WP(MD). No.21861 of 2024

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus forbearing the respondent and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioners HTSC No. 079094700170 till the entire outstanding dues of Rs. 12,50,000 /- payable to the petitioner along with interest towards refundable security deposit in the account of the petitioners Solar Power Plant (2.5 MW) is paid or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

For Petitioner : M/s.A.Srinivasan,
For Respondent : Mr.S.Deenadayalan

ORDER

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. The writ petition has been filed for a mandamus directing the respondents to return the security deposit amount of Rs.12,50,000/- along with interest towards in the account of the petitioner's Solar Power Plant (2.5 MW) or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.



WP(MD). No.21861 of 2024

3. It is the case of the petitioner that admittedly the project has been dropped and the petitioner has established 7.5 MW Solar plant at Nadakottai Village and the same has started commissioning from 3rd August 2022 and wheeling power for third party sale scheme in accordance with the Energy Wheeling Agreement (EWA) executed in pursuance of the orders in force as issued by the State Commission towards the same. However, the amount deposited as security deposit for the earlier project has not even given by the respondents. Hence, the present writ petition.

4. The learned counsel for the respondents, on instructions, would submit that though the 2nd respondent has passed sanctioning order, the amount could not be paid immediately. However, it is stated that the said amount of Rs.12,50,000/- will be adjusted towards the upcoming dues payable by the petitioner in respect of other HT SC No.079094700170.

5. The learned counsel for the petitioner would submit that if the amount is adjusted towards the upcoming dues payable, he has no grievance.



WP(MD). No.21861 of 2024

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6. In such view of the matter, the respondents shall adjust the same with the upcoming bills towards the security deposit.

7. The writ petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petition is closed.

20.09.2024

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WP(MD). No.21861 of 2024

N.SATHISH KUMAR,J

RR

**ORDER
IN
WP(MD) No.21861 of 2024**

Date : 20/09/2024