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W.P.No.339 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2025

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.339 of 2025 and
W.M.P.No.383 of 2025

M/s.Cape Flour Mills (P) Ltd.,
91/2, Chunkankadai-629 003,
Nagercoil, Kanyakumari District
Rep. By Its Director L.Natarajan ...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.Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondents to refund Rs. 5,00,000/- payable to the petitioner towards refundable security deposit and pass any other or appropriate orders as this Honble Court may deem fit and proper in the facts and circumstances of the case

For Petitioner	: Mr.R.S.Pandiyaraj
For Respondents	: Mr.D.R.Arun Kumar Standing Counsel (TNEB)



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ORDER

The petitioner herein seeks a direction to respondents to refund Rs.5,00,000/- payable to the petitioner towards refundable security deposit.

2. The petitioner filed an application before the respondents on 05.05.2021 seeking permission for establishment of 1MW Solar power plant as per TNERC's Solar Order No.5/2018 dated 28.03.2018. The petitioner paid necessary charges including the security deposit of Rs.5,00,000/-. However, the petitioner could not go ahead with the installation of the solar power plant due to intervening Covid-19 pandemic and the resultant financial loss. Therefore, the petitioner has decided not to continue with the establishment of solar power plant as planned. Since the proposal to set up Solar power plant was dropped and the petitioner submitted a representation before the 2nd respondent on 31.08.2021 seeking refund of the security deposit made by the petitioner and the same has not been considered. Hence, the petitioner has come before this Court.

3. Mr.D.R.Arun Kumar, learned Standing Counsel (TNEB), who takes



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notice for the respondents, on instructions, submits that petitioner is entitled to the refund of the security deposit. Therefore, the representation submitted by the petitioner will be considered and orders will be passed in accordance with law within a time fixed by this Court.

4. In view of the said stand taken by the learned Standing Counsel (TNEB) for the respondents, the 2nd respondent is directed to consider the representation of the petitioner dated 31.08.2021 and pass final orders on its' own merits within a period of two weeks from the date of receipt of copy of this order. In case, the 2nd respondent passes order for refund of the security deposit, the same shall be paid to the petitioner within a period of two weeks from the date of the order.

5. With the above directions, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

08.01.2025

(2/2)

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order

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Neutral Citation Case : Yes/No
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To

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S.SOUNTHAR, J.
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