



WP No. 29879 and 29881 of
2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-08-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP Nos. 29879 and 29881 of 2025

AND

WMP NOs. 33534 and 33536 OF 2025

WP No.29879 of 2025

1. M/s.Thangavelu Spinning Mills
50/N4, Dharmapuri Main Road,
Bommidi Dharmapuri District,
Rep By Its Manager
M.Ravichandran

Petitioner(s)

Vs

1. The Superintending
Engineer(metro)
Dharmapuri E.D.C Tangedco,
Dharmapuri

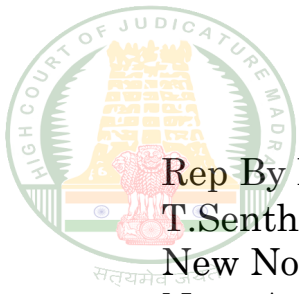
2.The Chairman/Managing
Director
Tangedco, 800 Anna Salai,
Chennai-600 002

3.The Secretary
Tamilnadu Electricity Regulatory
Commission, Egmore Chennai-
600 008

Respondent(s)

WP No. 29881 of 2025

1. M/s.Thangavelu Textile Mills
Pvt Ltd



Rep By Its Director
T.Senthilnathan, Old No.111/1,
New No.Ak68-16 Thathampatti
Near Ammapet Colony, Salem-636
014

Petitioner(s)

Vs

1. The Superintending
Engineer(Metro)
Tangedco Salem, Salem

2.The Chairman/ Managing
Director
Tangedco, 800 Anna Salai,
Chennai-600 002

3.The Secretary
Tamilnadu Electricity Regulatory
Commission, Egmore Chennai-
600 008

Respondent(s)

PRAYER in WP No.29879 of 2025

Writ petition filed under Article 226 of Constitution of India for the issuance of writ of declaration to declare the proviso in sub regulation 5 for clause (ii)a of Tamilnadu Electricity supply code issued by 3red respondent and published in Tamilnadu Government Gazette on 29.1.2020 as illegal and null and void and consequentially direct the first respondent to refund the excess additional security deposit amount of Rs.59,19,375/-the petitioner.

PRAYER in WP No. 29881 of 2025

PRAYER

Writ petition filed under Article 226 of Constitution of India for the issuance of writ of declaration to declare the proviso in sub regulation



5 for clause (ii)a of Tamilnadu Electricity supply code issued by 3rd respondent and published in Tamilnadu Government Gazette on 29.1.2020 as illegal and null and void and consequentially direct the first respondent to refund the excess additional security deposit amount of Rs.55,67,591/-(Fifty five lakhs sixty seven thousand five hundred and ninety one only) the petitioner.

For Petitioner(s): A.S. Balaji
in both WPs
For Respondent: Mr.Swami Subramanian
Standing counsel for
respondent in WP No.29879
of 2025
Mr.I.Syed Sibghatullah
Standing counsel for
respondent in WP No.29881
of 2025

ORDER

These writ petitions have been filed to declare the proviso to Sub regulation 5 of clause (ii) a of the Tamilnadu Electricity supply code issued by the 3rd respondent as illegal and null and void and for a consequential direction to the 1st respondent to refund the excess Additional Security Deposit received from the petitioner.

2. Heard Mr.A.S.Balaji, learned counsel for the petitioner in both Writ petitions and Mr.Swami Subramanian, learned Standing



counsel for respondent in WP No.29879 of 2025 and Mr.I.Syed
Sibghatullah, learned Standing counsel for respondent in WP
No.29881 of 2025.

3. The main ground that has been raised by the learned counsel for the petitioner is that the Sub regulation runs contrary to the provisions of the Act and hence, the amount that is collected as Security Deposit is unreasonable and therefore, the Sub regulation has been put to challenge in these writ petitions.

4. On carefully going through the materials placed before this Court, it is seen that the petitioner had already approached this Court on an earlier occasion and the petitioner was directed to pay the security deposit in instalments. Even at that point of time, the petitioner had an opportunity to challenge the regulation. The petitioner found it convenient to pay the security deposit in instalments at that time and subsequently, they are now turning around and challenging the very Sub regulation itself.

5. The principle of constructive *resjudicata* is applicable even in writ proceedings. When a ground is available when the earlier



writ petition was filed and the same is not raised, the petitioner will be barred from raising that ground by means of a subsequent writ petition. The law on this issue is now too well settled.

6. In the light of the above discussion, this Court is not inclined to exercise its discretion under Article 226 of Constitution of India and accordingly, these writ petitions stand dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

08-08-2025

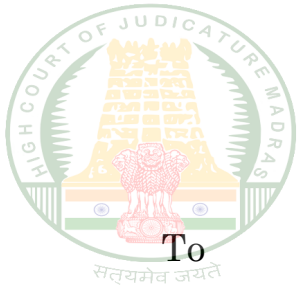
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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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2025



To

WEB C.T.N.

- 1.The Superintending
Engineer(Metro)
Dharmapuri E.D.C Tangedco,
Dharmapuri
- 2.The Chairman/managing
Director
Tangedco, 800 Anna Salai,
Chennai-600 002
- 3.The Secretary
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N.ANAND VENKATESH J.
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