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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2019

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THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P.s 9751 to 9756 of 2009 & M.Ps. 1 of 2009,
W.P. 10587 of 2009 & M.P. 1 of 2009,
W.P 11481 of 2009 & M.P. 1 of 2009
and
W.P. 12640 of 2009 & M.P. 1 of 2009

- 1 THE PREM DYEING WORKS
REP. BY ITS PROPRIETOR S.DURASAMY
... PETITIONER in WP No.9751 and 9752 of 2009
- 1 THE PREMDURAI SPINNING MILLS (P) LTD.
REP. BY ITS CHAIRMAN / MANAGING
DIRECTOR S.DURASWAMY
... PETITIONER in WP No.9753 and 9754 of 2009
- I THE CLASSIC SPINNING MILLS PVT LTD.
REP. BY ITS CHAIRMAN / MANAGING
DIRECTOR S.DURASWAMY
... PETITIONER in WP No.9755 & 9756 of 2009
- 1 M/S.ARUPPUKOTTAI SRI JAYAVILAS LTD.
COTTON SPINNING MILLS B UNIT
TAMILPADI (POST) 626129 TIRUCHULI TALUK
VIRUDHUNAGAR DISTRICT REP. BY ITS CHAIRMAN
T.R.S.VIJAIRAM.
... PETITIONER in WP No.11481 & 10587 of 2009
- 1 SRI KADERI AMBAL MILLS LTD.
(A&B) UNITS H.T.SC.NOS.46 AND 75
REP. BY ITS MANAGING DIRECTOR S.V.
PETHAPERUMAL.
... PETITIONER in WP No.12640 of 2009

VS

- 1 TAMILNADU ELECTRICITY BOARD
REP. BY ITS CHAIRMAN,
ANNA SALAI, CHENNAI-2. ...1st Respondent in
W.P.Nos.9751, 9752, 9753,
9755 & 9756, 12640/2009



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...2nd Respondent in W.P.Nos.10587
and 11481 of 2009

- 2 THE SUPERINTENDING ENGINEER,
TAMILNADU ELECTRICITY BOARD,
TIRUPPUR ELECTRICITY DISTRIBUTION CIRCLE,
TIRUPPUR. ...2nd Respondent in W.P.Nos.9751 &
9752 of 2009

- 3 THE SUPERINTENDING ENGINEER,
COIMBATORE ELECTRICITY DISTRIBUTION CIRCLE
SOUTH, COIMBATORE-641017.
...3rd Respondent in W.P.Nos.9751 &
9752 of 2009
...2nd Respondent in WP Nos.9753, 9754,
9755 & 9756 of 2009

- 4 THE SECRETARY,
THE TAMIL NADU ELECTRICITY
REGULATORY COMMISSION 19-A RUKMINI
LAKSHMIPATHY SALAI (MARSHALLS ROAD) EGMORE
CHENNAI-8 ...1st Respondent in W.P.Nos.11481 &
10587 of 2009

- 5 THE MEMBERS (DISTRIBUTION)
TAMIL NADU ELECTRICITY BOARD,
144, ANNA SALAI,
CHENNAI-2. ...3rd Respondent in W.P.Nos.11481
& 10587 of 2009

- 6 THE SUPERINTENDING ENGINEER,
VIRUDHUNAGAR ELECTRICITY DISTRIBUTION CIRCLE,
TAMIL NADU ELECTRICITY BOARD,
VIRUDHUNAGAR- 626001.
...4th Respondent in WP Nos.11481,
10587 of 2009

- 7 THE CHIEF ENGINEER/COMMERCIAL
TAMIL NADU ELECTRICITY BOARD,
144, ANNA SALAI, CHENNAI-2.
...2nd Respondent in W.P.No.12640 of 2009

- 8 THE SUPERINTENDING ENGINEER
SIVAGANGA ELECTRICITY DISTRICT CIRCLE,
TAMIL NADU ELECTRICITY BOARD,
SIVAGANGA 630562.
...3rd Respondent in W.P.No.12640 of 2009



Prayer in WP No.9751 and 9752 of 2009:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings dated 08.10.2008, 31.10.2008 made in Lr.No.SE/TEDC/TPR/AEE-GL/F HT SCS/D 2713/08, Lr.No.SE/TEDC/AO/REVCCEDC North)/ER &C/D,HTT 20/2008 respectively passed by the 2nd respondent and quash the same and consequently direct the respondents to provide uninterrupted electricity supply to the petitioner dyeing works situated at No.5, Prem Gardens Rajaji Nagar, P.N.Road, Tiruppur-641602, in terms of the agreements executed between the parties in respect of wind mill energy.

Prayer in WP No.9753, 9754, 9755 & 9756 of 2009:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings dated 08.10.2008, 31.10.2008 made in Lr.No.SE/C EDC/S/CBE/AEE/GL/AE2/F HT DOC/D1501/08, Lr.No.SE/CEDC/S/DFC/HT/F.R.& C/2008/D.432/2008 respectively passed by the 2nd respondent and quash the same and consequently direct the respondents to provide uninterrupted electricity to the petitioner spinning mill situated at V.Kallipalayam, Dharapuram Road, Palladam-Via, Tiruppur-641664 in terms of the agreements executed between the parties in respect of wind mill energy.

Prayer in WP No.11481 of 2009:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus directing the 3rd respondent to consider the representation dt 4.6.2009 of the petitioner and to revise the Bill in accordance with Regulation 6 of the Intra State Open Access Regulation 2005 framed by the 1st respondent and to withdraw the Add/Less Adjustment charge of Rs. 16,99,301/- demanded in Bill No. 150 dst.30.5.2009.

Prayer in WP No.12640 of 2009:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus directing the respondents to forthwith comply with the order of the Honourable Tamil Nadu Regulatory Commission in its order dated 28.11.2008 in M.P.No.42/2008 as contained in para 24 of the order, by treating the wind energy captive users on par with other captive users and permit wheeling and utilization of the



power generated by them without imposing any Restriction and Control Measure, including levy of any penalty, against the petitioner.

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Prayer in WP No.10587 of 2009:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus directing the Third Respondent to consider the representation dated 11.5.2009 and 4.6.2009 of the petitioner and to revise the Bill in accordance with Regulation 6 of the Intra State Open Access Regulation 2005 framed by the first Respondent and to withdraw the extra levy demanded in Bill No.150 dated 30.05.2009 and to refund the extra levy collected in the month of April 2009.

For Petitioners in W.P.s 9751
to 9756 of 2009 : Mr.R.S.Pandiyaraj

For Petitioners in W.P.s 10587
11481 & 12640 of 2009 : Mr.K.Seshadri

For Respondents : Mr.S.K.Rameshuwar,
Standing Counsel

C O M M O N O R D E R

These Writ Petitions have been filed challenging the impugned orders passed by the respondents and quash the same and consequently direct the respondents to provide uninterrupted electricity supply to the petitioner dyeing works in terms of the agreements executed between the parties in respect of wind mill energy.

2. The learned counsel appearing for the petitioner would submit that the issue involved in this case was already covered by this Court order and subsequently, by the Tamil Nadu Regulatory Commission. Further, this matter relates to refixing of energy quota and demand quota in respect of Wind Energy Generators. In the earlier occasion, this Court by its order dated 03.03.2009 in a batch of cases viz., W.P. Nos. 12448, 17738 to 17740, 18079 & 18080, 18722 etc. of 2009 has referred the matters to the Tamil Nadu Electricity Regulatory Commission for appropriate orders. After hearing the parties, the Regulatory Commission has issued several directions to the Electricity Board. The learned counsel would further submit that in terms of the directions issued by the Regulatory Commission, this Court can dispose of the Writ Petition holding that



whatever the benefits extended by the Regulatory Commission, the petitioners are also entitled to the similar relief.

3. The learned counsel appearing for the respondent has disputed the fact that there is a limited relief sought by the petitioners.

4. On considering the rival submissions, this Court is of the view that already the matter was referred to Tamil Nadu Electricity Regulatory Commission and the Regulatory Commission also by its order dated 28.10.2009 in Suo Motu proceedings No.1 of 2009 has issued several directions to the Electricity Board. Hence, whatever the benefits extended by the Regulatory Commission, the petitioners are also entitled to the similar relief. Accordingly, these Writ Petitions are disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rpp

To

1. THE CHAIRMAN,
TAMIL NADU ELECTRICITY BOARD,
ANNA SALAI,
CHENNAI-600 002.
2. THE SUPERINTENDING ENGINEER,
TAMIL NADU ELECTRICITY BOARD,
TIRUPPUR ELECTRICITY DISTRIBUTION
CIRCLE, TIRUPPUR.
3. THE SUPERINTENDING ENGINEER,
COIMBATORE ELECTRICITY DISTRIBUTION
CIRCLE SOUTH,
COIMBATORE-641 017.
- 4 THE SECRETARY,
THE TAMIL NADU ELECTRICITY
REGULATORY COMMISSION 19-A RUKMINI
LAKSHMIPATHY SALAI (MARSHALLS ROAD) EGMORE
CHENNAI-8



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- 5 THE MEMBERS (DISTRIBUTION)
TAMIL NADU ELECTRICITY BOARD,
144, ANNA SALAI,
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- 6 THE SUPERINTENDING ENGINEER,
VIRUDHUNAGAR ELECTRICITY DISTRIBUTION CIRCLE,
TAMIL NADU ELECTRICITY BOARD,
VIRUDHUNAGAR- 626001.
- 7 THE CHIEF ENGINEER/COMMERCIAL
TAMIL NADU ELECTRICITY BOARD,
144, ANNA SALAI, CHENNAI-2.
- 8 THE SUPERINTENDING ENGINEER
SIVAGANGA ELECTRICITY DISTRICT CIRCLE,
TAMIL NADU ELECTRICITY BOARD,
SIVAGANGA 630562.

+1cc to Mr.P.R.Dhilipkumar, Advocate Sr.47948
+3ccs to Mr.K.Seshadri, Advocate Sr.47979, 47980, 47981
+1cc to Mr.S.K.Rameshuwar, Advocate Sr.47943
+1cc to R.S.Pandiyaraj, Advocate Sr.48980

W.P.s 9751 to 9756, 10587,
11481 & 12640 of 2009
& M.Ps. 1 of 2009,

mr[co]
srg 21/08/2019