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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.4604 OF 2020

AND

WMP.NO.5465 OF 2020

M/s.Sambros Tex Global Limited,
Represented by its Director,
C.V.Sampath Kumar,
126, Shastri Road,
Ram Nagar, Coimbatore-641 009.

... Petitioner

Vs.

1. The Chairman,
TANGEDCO,
144, Anna Salai,
Chennai-600 002.
2. The Chief Engineer, NCES,
TANGEDCO, 2nd Floor,
144, Anna Salai,
Chennai-600 002.
3. The Superintending Engineer,
TANGEDCO, Udumalpet EDC,
Udumalpet.

... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents for the termination of the PPA dated 07.04.2008, 18.02.2009 and 30.03.2009 and to execute energy wheeling agreement for captive consumption.

For Petitioner : Mr.T.Chezhiyan

For Respondents : Mr.N.Damodaran
Standing Counsel



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O R D E R

Heard Mr.T.Chezhian, learned counsel appearing for the petitioner and Mr.N.Damodharan, learned Standing Counsel appearing on behalf of the respondents.

2. The learned counsel on either side submitted that the third respondent has now been bifurcated and it now comes within the jurisdiction of Palladam.

3. In view of the same, this Court suo motu impleads the Superintending Engineer, TANGEDCO, Palladam Municipality, as the third respondent.

4. The issue that has been raised in the present writ petition is covered by the earlier order passed by this Court in a batch of writ petitions in W.P.Nos.5196, 11725, 8459 & 8463 of 2019 and 6694 & 1275 of 2018 dated 30.08.2019. This order was subsequently confirmed by the First Bench of this Court in W.A.Nos.4189, 4194, 4197, 4201, 4204 and 4205 of 2019 dated 18.02.2020.

5. In view of the above, this writ petition is allowed with the following directions:

(a) the respondents/TANGEDCO are directed to permit the petitioner to switch over to captive consumption so as to use the same for their own industry;

(b) the respondents/TANGEDCO are directed to settle the respective dues to the petitioner as per their respective invoices raised by them, along with interest as per Clause 6(b), within a period of two months from the date of receipt of a copy of this order.

6. This writ petition is allowed accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(MD)

//True Copy//

Sub Assistant Registrar

rli



To

1. The Chairman,
TANGEDCO, 144, Anna Salai,
Chennai-600 002.
2. The Chief Engineer, NCES,
TANGEDCO, 2nd Floor,
144, Anna Salai,
Chennai-600 002.
3. The Superintending Engineer,
TANGEDCO, Udumalpet EDC,
Udumalpet.

W.P.No.4604 of 2020
and WMP.No.5465 of 2020

AD (CO)
CS/13/07/2020