

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.9652 of 2020

and

WMP.No.11775 of 2020

M/s.Sri Nandha Paper and Board,
represented by its Partner S.Jayabhalan,
Rasipuram Main Road,
Kumaramangalam,
Tiruchengode-637 205. 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, Tirupur EDC,
Tirupur.

4.The Superintending Engineer,
TANGEDCO, Palladam Municipality,
Palladam ... Respondents.

R4 Suo-Moto impleaded vide order dated 27.07.2020

PRAYER: Writ Petition filed under Article 226 of
Constitution of India, seeking Writ of Mandamus,
directing the respondents for the termination of the PPA
dated 27.06.2017 and to execute energy wheeling agreement
for captive consumption.

For Petitioner : Mr.T.Cheziyan

For respondents : Mr.N.Damodharan
Standing Counsel (TANGEDCO)

O R D E R

Heard Mr.T.Cheziyan, 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, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rm
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, Tirupur EDC,
Tirupur.

4.The Superintending Engineer, TANGEDCO,
Palladam Municipality,
Palladam.

W.P.No.9652 of 2020

A.SK(09/10/2020)



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