

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.17522 of 2019

and

WMP No.16997 of 2019

M/s.Siva Green Energy India Pvt.Ltd.,
Represented by its Managing Director,
Mr.V.Velumani,
No.12-A, Kandampalayam,
Perundurai-638 052.

..Petitioner

.vs.

1.The Director/Generation,
TANGEDCO,
2nd Floor, 144, Anna Salai,
Chennai 600 002.

2.The Chief Engineer, NCES,
TANGEDCO,
2nd Floor, 144, Anna Salai,
Chennai 600 002.

3.The Superintending Engineer,
Tirunelveli EDC, TANGEDCO,
Maharaja Nagar,
Tirunelveli 627 011.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents for the termination of the PPA dated 12.07.2017 and to execute energy wheeling agreement for captive consumption.

For Petitioner : Mr.T.Chezhan

For Respondents : Mr.N.Damodharan
Standing Counsel

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 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.

3.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.

(c) Consequently, in view of permitting the petitioner to migrate from EPA to EWA, the proceedings dated 12.07.2017 of the first respondent deciding not to concede any request for migration is set aside.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP

To

1.The Director/Generation,
TANGEDCO,
2nd Floor, 144,
Anna Salai,
Chennai 600 002.

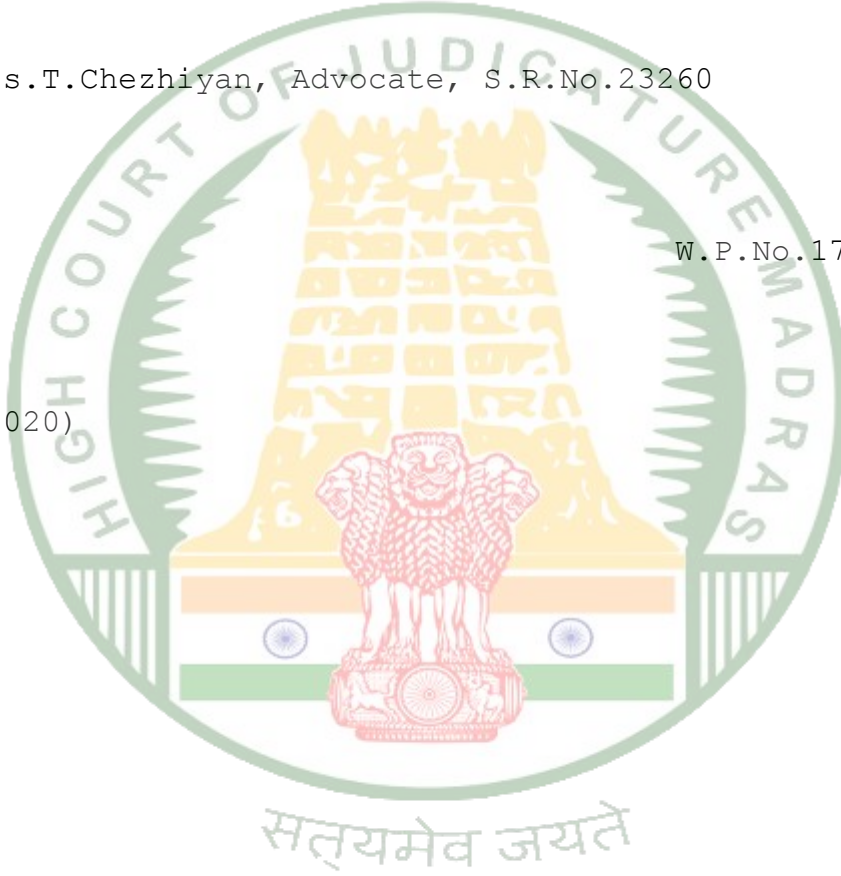
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+1cc to M/s.T.Chezhiyan, Advocate, S.R.No.23260

W.P.No.17522 of 2019

RGN(CO)
RN(25/06/2020)



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