

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.18431 of 2020

and

W.M.P.No.22851 of 2020

VST Spintex India Pvt. Ltd.,
No.32, K.R.P.A.D.Road, Pallipalayam,
Erode - 638006
Rep. by its authorized signatory C.Nagarajan
.... Petitioners
Vs.

1.Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO)
10th Floor, 144, Anna Salai,
Chennai 600 002.
Represented by its Chairman
cum Managing Director.

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

3.The Superintending Engineer,
TANGEDCO,
Thriunelveli Electricity Distribution Circle,
Thirunelveli.

4.Tamilnadu Electricity Regulatory Commission,
19-A, Rukumini Lakshmipathy Salai,
Egmore, Chennai 600 008.
Represented by its Secretary.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st, 2nd and 3rd respondents to allow the Utility Change by converting the existing Energy Purchase Agreements dated 25.03.2011 and 31.03.2011 to Energy Wheeling Agreement in Petitioner's wind mills bearing WF HTSC 3612 and 3541 for captive consumption of the generated units in the petitioner's own spinning mills HTSC No.169 at Namakkal EDC as per the Common Order of this Court at Judicature at Madras dated 30.08.2019 which was upheld by the Hon'ble Division Bench and also by the Hon'ble Supreme Court of India and consequently

make payment of Rs.54,40,162.80/- towards the wind energy sold from the Petitioner's WEG Nos.3612 and 3541 for the period from 01/2019 to 09/2020 as per their respective invoices till date, further direct the respondents to pay interest 1% per month for any delay in settlement of invoices beyond the period of 30 days from the date of invoice.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents: Mr.N.Damodaran
Standing Counsel

ORDER

Heard Mr.R.S.Pandiyaraj, 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.It was further confirmed by the Hon'ble Supreme Court by order dated 24.09.2020, wherein the Special Leave Petition filed by TANGEDCO was dismissed.

4.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.

5.This Writ Petition is allowed accordingly. Consequently, the connected miscellaneous petition is closed. No costs.

-s/d-
Assistant Registrar

True Copy

<https://hcservices.ecourts.gov.in/hcservices/>

Sub-Assistant Registrar

sai/pgp

To

1.The Chairman cum Managing Director.
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO)
10th Floor, 144, Anna Salai,
Chennai 600 002.
Represented by its

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

3.The Superintending Engineer,
TANGEDCO,
Thriunelveli Electricity Distribution Circle,
Thirunelveli.

4. The Secretary.
Tamilnadu Electricity Regulatory Commission,
19-A, Rukumini Lakshmipathy Salai,
Egmore, Chennai 600 008.

+1 CC to Mr.R.S.Pandiyaraj, Advocate Sr.No.37829

W.P.No.18431 of 2020

PVS (CO)
KP(20/01/2021)

सत्यमेव जयते

WEB COPY