

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.19492 of 2020
and W.M.P.No.24093 of 2020

M/s.Mani Cotton Textiles,
rep by its Authorized Signatory
S.Saravanakumar,
No.16, Jothi Theatre Street,
Tirupur - 641 601. ... 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, Palladam EDC,
56-B, Trichy Road,
Palladam - 641 664. Respondents

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus directing the respondents for the termination of PPA dated 26.07.2010 and to execute energy wheeling agreement for captive consumption under the preferential tariff scheme.

For Petitioner : Mr.T.Chezhian

For Respondents: Mr.N.Damodaran, Standing Counsel

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the respondents for the termination of PPA dated 26.07.2010 and to execute energy wheeling agreement for captive consumption under the preferential tariff scheme.

2.Mr.N.Damodaran, learned Standing Counsel takes notice for the respondents.

3.Mr.T.Chezhian, learned counsel for the petitioner and Mr.N.Damodaran, learned Standing Counsel for the respondents submitted that the issue that has been raised in the present Writ Petition is covered by the earlier order dated 30.08.2019 passed by this Court in the batch of Writ Petitions in W.P.Nos.5196, 11725, 8459, 8463 of 2019, 6694 & 1275 of 2018. Further, it is brought to the notice of this Court that the Appeals filed in W.A.Nos.4189, 4194, 4197, 4201, 4204 & 4205 of 2019 challenging the order passed in the Writ Petitions were dismissed by the judgment dated 18.02.2020 by the Hon'ble Division Bench. Further, it is brought to the notice of this Court by the learned counsel on either side that the Hon'ble Supreme Court of India has confirmed the order passed by the Division Bench in the Writ Appeals on 24.09.2020.

4.In these circumstances, the prayer sought for in the Writ Petition is allowed and accordingly, the Writ Petition is allowed. The respondents/ TANGEDCO is directed to permit the petitioner to switch over to captive consumption so as to use the same for their own industry. That apart, the respondents/TANGEDCO is 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. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

va

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, Palladam EDC,
56-B, Trichy Road,
Palladam - 641 664.

W.P.No.19492 of 2020
and W.M.P.No.24093 of 2020