



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2020

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.14597 of 2020

Muppandhal Green Energy Private Ltd.,
Rep. by its director Mr.K.Narayanan,
1-127 B - 130 Kootudankadu Mangalagiri Post,
Thoothukudi - 628 103.

.. Petitioner

Vs.

1.The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
TANGEDCO, Tirunelveli.

2.The Chief Engineer,
NCES,
The Tamil Nadu Generation and Distribution
Corporation Ltd.,
Annasalai, Chennai.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to grant approval for the Group Captive Scheme with new consumers by considering the petitioner company's representation dated 15.05.2020.

For Petitioner : Mr.K.C.Muniyarasu

For Respondents : Mrs.M.Rajeshwari for
Mr.SMS.Johnny Basha

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the 2nd respondent to grant approval for the Group Captive Scheme with new consumers by considering the petitioner company's representation dated 15.05.2020.

2.Heard Mr.K.C.Muniyarasu, learned counsel for the petitioner. Mrs.M.Rajeshwari, for Mr.SMS.Johnny Basha, learned Standing counsel accepts notice on behalf of the respondents.



3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.It is the case of the petitioner that they own Wind Mills under the first respondent's Circle. According to them, they are generating Wind energy under the Group Captive Generating Scheme and had duly entered into agreements with the 1st and 2nd respondents to permit them to supply wind power to their share holders.

5.It is the case of the petitioner that they are under the Group Captive Scheme with the following shareholders namely (i) M/s.Divya Spinning Mills (P) Ltd - Gobi EDC, (ii) M/s.K.P.N.Enterprises (Trichy) Private Limited, Pudukottai EDC and (iii)M/s.Thirumathi Muthammal Textiles Pvt. Limited, Pudukottai EDC, as Captive consumers.

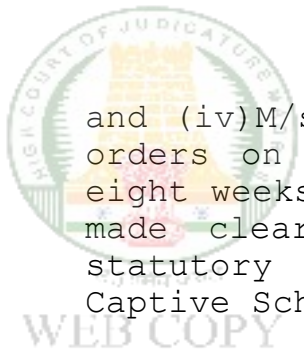
6.According to the petitioner, they decided to replace the above mentioned Captive consumers with the following consumers namely (i)M/s.K.P.Cotton Mill, Coimbatore, (ii)M/s.K.P.N.Enterprises (Trichy) Private Limited, Pudukottai EDC, (iii)M/s.Thirumathi Muthammal Textiles Pvt. Limited, Pudukottai EDC and (iv)M/s.Divya Spinning Mills (P) Ltd - Gobi EDC. It is the case of the petitioner that they had sought for approval of the above said change in the list of Captive Consumers vide a representation dated 17.05.2019 to the first respondent along with all requisite documents for consideration. It is the case of the petitioner that once again on 29.06.2019, they have sent one more representation to the second respondent seeking approval. Thereafter, they have also sent another reminder dated 15.05.2020. According to the petitioner, the second respondent has not considered the petitioner's representations dated 17.05.2019, 29.06.2019 & 15.05.2020, till date. In such circumstances, this writ petition has been filed.

7.The learned counsel for the respondent would submit that the petitioner has not submitted the requisite documents for grant of approval for the Group Captive Scheme with new consumers.

8.The learned counsel for the petitioner on instructions would submit that the petitioner is willing to submit all the requisite documents as sought for by the respondents. No prejudice will be caused to the respondents, if the representations of the petitioners are considered by the respondents on merits and in accordance with law.

9.For the foregoing reasons, this Court directs the second respondent to consider the representation of the petitioner dated 15.05.2020, for grant of approval for their Group Captive Scheme with new consumers namely (i)M/s.K.P.Cotton Mill, Coimbatore, (ii) M/s.K.P.N.Enterprises (Trichy) Private Limited, Pudukottai EDC, (iii)M/s.Thirumathi Muthammal Textiles Pvt. Limited, Pudukottai EDC

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



and (iv)M/s.Divya Spinning Mills (P) Ltd - Gobi EDC and pass final orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that the petitioner will have to satisfy all the statutory requirements for the grant of approval for the Group Captive Scheme.

10.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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28.10.2020

SJ(CO)

NR (05/11/2020) 3P : 1C