

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.03.2021

Coram
The HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No.6606 of 2021
and
W.M.P.No.7168 of 2021

Annai Constructions,
4/370 A, Panchayat Office Street,
Avaraikulam PO,
Tirunelveli - 627133. Petitioner

vs.

1. The Chairman,
TANGEDCO, 144, Anna Salai,
Chennai - 600 002.
2. Chief Financial Controller (General)
TANGEDCO ,
7th Floor, 144, Anna salai, Chennai - 600 002.
3. The Chief Engineer, NCES,
TANGEDCO, 2nd Floor,
144, Anna Salai, Chennai - 600 002.
4. The Superintending Engineer,
TANGEDCO, Tirunelveli EDC,
Tirunelveli - 627 011. Respondents

Prayer:-

Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents for the termination of the Power Purchase Agreement dated 30.03.2011 and to execute energy wheeling agreement for Captive Consumption under the Preferential Tariff Scheme.

For Petitioner ... Mr.T.Chezhiyan
For Respondents ... Mr.N.Damodharan
Standing Counsel

O R D E R

This writ petition has been filed to direct the respondents for the termination of the Power Purchase Agreement dated 30.03.2011 and to execute energy wheeling agreement for Captive Consumption under the Preferential Tariff Scheme.

2. The case of the petitioner Company is that energy generated by the windmills of the petitioner Firm was sold to the respondent TANGEDCO by executing an Energy Purchase Agreement dated 30.03.2011. Though the petitioner had supplied wind energy, TANGEDCO delayed the payments and therefore, they have opted to convert the existing EPA to EWA for the purpose of allowing the captive consumption. The same was objected by the Board and therefore, batch of writ petitions filed before this Court in W.P.No.5196 of 2019 and this Court, by an order, dated 30/8/2019, allowed those writ petitions, on the following directions:-

"29. Thus, for the reasons stated above, the writ petitions deserve to be allowed with the following directions:-

(a). the respondents/TANGEDCO are directed to permit the petitioners 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 petitioners 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.

As against the orders of this Court, writ appeals were also filed and the writ appeals were dismissed and the SLP preferred by the Board also dismissed and the issue has been settled that the petitioners are entitled for migration are utilised the same captive consumption.

3. In the instant case, the petitioner has sought for migration for captive consumption and the same is pending with the respondents. Therefore, the writ petition was filed. In view of the earlier orders passed, this writ petition is also allowed, on the same directions, issued in W.P.No.5186 of 2019, batch. With regard to the consideration for the application for migration, the same may be processed by the TANGEDCO, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VII)

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Sub Assistant Registrar

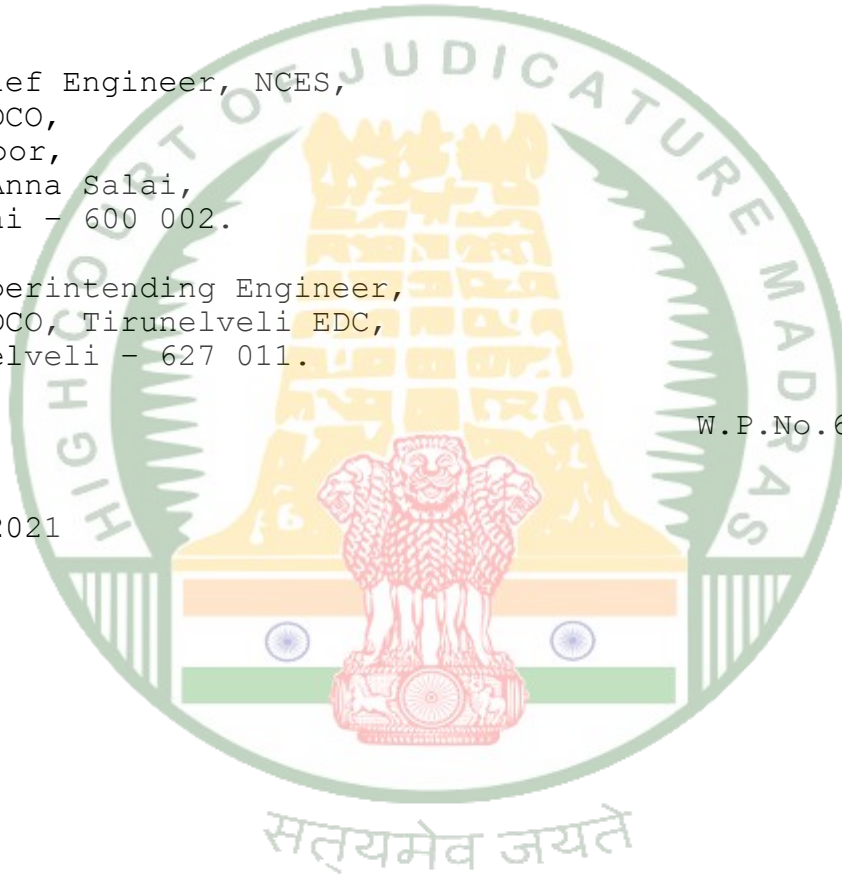
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To

1. The Chairman,
TANGEDCO
144, Anna Salai,
Chennai - 600 002.
2. The Chief Financial Controller(General), TANGEDCO,
7th Floor, 144, Anna Salai, Chennai - 600 002.
3. The Chief Engineer, NCES,
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TANGEDCO, Tirunelveli EDC,
Tirunelveli - 627 011.

W.P.No.6606 of 2021

SKV(CO)
RG.20.04.2021



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