

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17/3/2021
C O R A M

THE HONOURABLE Mr.JUSTICE B.PUGALENDHI

Writ Petition No.6825 of 2021

Starttime Apparels

rep. By its Authorised Signatory

Mr.S.Selvaraj.

S.F.No.654/2, Behind Tamil Nadu Theatre

Palladam Road

Tirupur 641 605.

... Petitioner

Vs

1. Tamil Nadu Generation and Distribution
Corporation Ltd (TANGEDCO)

rep. By its Chairman-cum-Managing Director

10th Floor, 144 Anna Salai

Chennai 600 002.

2. The Chief Engineer, NCES

TANGEDCO

II Floor

144 Anna Salai

Chennai 600 002.

3. The Superintending Engineer

TANGEDCO

Tirunelveli Electricity Distribution Circle

Tirunelveli.

4. Tamil Nadu Electricity Regulatory Commission

rep. By its Secretary

19 A Rukumini Lakshmipathy Salai

Egmore

Chennai 600 008.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the first, second and third respondents to allow the Utility Change by converting the existing Energy Purchase Agreement dated 4/3/2020 to Energy Wheeling Agreement in petitioner's wind mills bearing WF HTSC No.1648 for captive consumption of the generated units in the petitioner's own industry HTSC No.0104 at Tirupur EDC as per the Common Order of the Hon'ble High Court of Judicature at Madras dated 30/8/2019 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.35,61,122/- towards the wind energy sold from the petitioner's WEG No.3085 for the period from 3/2020 to 12/2020, as per their respectively 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 invoices.

For petitioner	... Mr.R.S.Pandiyaraj
For respondents	... Mr.N.Damodaran
	Standing Counsel
	for RR1 to 3.

O R D E R

This writ petition has been filed to direct the first, second and third respondents to allow the Utility Change by converting the existing Energy Purchase Agreement dated 4/3/2020 to Energy Wheeling Agreement in petitioner's wind mills bearing WF HTSC No.1648 for captive consumption of the generated units in the petitioner's own industry HTSC No.0104 at Tirupur EDC as per the Common Order of the Hon'ble High Court of Judicature at Madras dated 30/8/2019 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.35,61,122/- towards the wind energy sold from the petitioner's WEG No.3085 for the period from 3/2020 to 12/2020, as per their respectively 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 invoices.

2. The petitioner Company has installed windmills of each 1 X 1250 KW capacity each bearing WF HTSC No.1648 situated at Tirunelveli District. The energy generated by the windmills of the petitioner Company was sold to the respondent TANGEDCO by executing an Energy Purchase Agreement dated 4/3/2020. 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, etc., 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 cases, the petitioner has sought for migration for captive consumption and the same is pending with the respondents. Therefore, the instant writ petition is 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

//True Copy//

Sub Assistant Registrar

To

1. The Chairman-cum-Managing Director
Tamil Nadu Generation and Distribution Corporation Ltd
(TANGEDCO), 10th Floor, 144 Anna Salai, Chennai 600 002.
2. The Chief Engineer, NCES, TANGEDCO
II Floor, 144 Anna Salai, Chennai 600 002.
3. The Superintending Engineer, TANGEDCO
Tirunelveli Electricity Distribution Circle, Tirunelveli.
4. The Secretary, Tamil Nadu Electricity Regulatory Commission
19 A Rukumini Lakshmipathy Salai, Egmore, Chennai 600 008.

+1cc to Mr.R.S.Pandiyaraj, Advocate SR.NO..17409

AKM/09.04.21/3P- 6C/

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