

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 20.04.2021  
CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No. 4989 of 2018  
and WMP.No. 6172 to 6174 of 2018

M/s.S.B.Textile Mills  
WF.HT.SC No.2613, 2614 &2615,  
5/114, Main Road,  
Karuvalur -641670

Avinashi (TK), Tirupur  
represented by its

Authorised Signatory S.Kamal Prasath

..Petitioner

Vs.

1. Tamil Nadu Generation and Distribution  
Corporation Limited (TANGEDCO)  
10<sup>th</sup> Floor, 144, Anna Salai,  
Chennai -600002  
Represented by its Chairman-cum-  
Managing Director.

2. The Chief Engineer, NCES,  
TANGEDCO  
2<sup>nd</sup> Floor,  
144, Anna Salai,  
Chennai -600002

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

4. Tamilnadu Electricity Regulatory Commission,  
19-A, Rukumini Lakshmipathy Salai,  
Egmore, Chennai-600008.  
Represented by its Secretary.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the issuance of the impugned proceedings in (CMD) No.266 on 20.05.2017 of the 1st respondent and quash the same as not maintainable by law as well as on facts and direct the 1st 2nd and 3rd respondents to strictly comply with the provisions of the Constitution of India as enshrined under Article 300A and confine the respondents within the statutory provisions of Electricity Act 2003 in the matter of allowing the Utility Changes from converting the

existing Energy Purchase Agreement to Energy Wheeling Agreement and consequently direct the respondents to allow the captive consumption of the windmill generated units from the petitioner windmill bearing WEG HTSC No.2613, 2614 and 2615 of Tirunelveli EDC for adjustment against the consumption at the petitioner's spinning mill at HTSC.No.214 at Tirupur, EDC.

For Petitioner : M/s. R.S.Pandiyaraj  
For Respondents : Mr.Vijay Mehanath, Standing Counsel  
for TNEB

O R D E R

Heard Mr. R.S.Pandiyaraj, learned Counsel appearing for the petitioner and Mr.Vijay Mehanath, learned Standing Counsel appearing for the respondents and perused the documents available on record.

2. The issue involved in the present writ petition is for direction against the 1<sup>st</sup> and 2<sup>nd</sup> respondents, to convert the existing EPA dated 14.09.2017 executed for the arrangement of Sale of Board, in to an EWA for the arrangement of the Captive Consumption of the wind energy of the windmill having WEG HTSC No.2613, 2614 and 2615 of Tirunelveli EDC at the spinning mill of the petitioner in the HTSC No.214 at the Tirupur Electricity Distribution Circle.

3. The learned counsel for the writ petitioner submitted that earlier, for the similar prayer, a batch of writ petitions have been filed before this Court in W.P.Nos. 5196, 11725, 8459 & 8463 of 2019 and 6694 & 1275 of 2018. This Court by common order dated 30.08.2019 allowed the writ petitions and granted relief to the petitioners. Challenging the same, the respondent/TANGEDCO preferred appeal before this Court in W.A.Nos. 4189 of 2019 etc batch and the same was dismissed by the First Bench of this Court by judgment dated 18.02.2020, confirming the order passed in the writ petitions. 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, confirming the order passed by this Court in Writ Petitions and Writ Appeal.

4. In view of the above, the present writ petition deserves to be allowed with the following directions;

i. the respondent/TANGEDCO are directed to permit the petitioners to switch over to captive consumption, so as to use the same for their own industry.

ii. the respondent/TANGEDCO are directed to settle the respective dues to the petitioner as per their respective

invoices raised by them, along with interest as pr Clause 6 (b), within a period of two months from the date of receipt of a copy of this order.

iii. Consequently, in view of permitting the petitioners to migrate from EPA to EWA, the proceedings dated 20.05.2017 issued by the 1<sup>st</sup> respondent deciding not to concede any request for migration is set aside.

In fine, with the above directions, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Chairman-cum- Managing Director.  
Tamil Nadu Generation and Distribution  
Corporation Limited (TANGEDCO)  
10<sup>th</sup> Floor, 144, Anna Salai,  
Chennai -600002
2. The Chief Engineer, NCES,  
TANGEDCO  
2<sup>nd</sup> Floor, 144, Anna Salai,  
Chennai -600002
3. The Superintending Engineer,  
TANGEDCO  
Tirunelveli Electricity Distribution Circle  
Tirunelveli.
4. The Secretary.  
Tamilnadu Electricity Regulatory Commission,  
19-A, Rukumini Lakshmi pathy Salai,  
Egmore, Chennai-600008.

+1cc to Mr.R.S.Pandiyaraj, Advocate SR.NO..24410

AKM/27.04.21/3P-6C/

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