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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 1.7.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.11224 OF 2021
AND W.M.P.NO. 11876 OF 2021

Janya Spinners
Rep. by its Partner S.Karivaradharj
No.702/1 Mettupalayam Road, K.Vadamadurai
Post Coimbatore- 641017 ...Petitioner

Vs.

1. Tamilnadu Generation and Distribution Corporation Ltd., Rep by its Chairman Cum Managing Director. (TANGEDCO) 10th Floor, 144 Anna Salai Chennai- 600 002.
2. The Chief Engineer N.C.E.S., TANGEDCO, 2nd Floor, 144 Anna Salai, Chennai- 600 002.
3. The Superintending Engineer TANGEDCO, Tirunelveli Electricity Distribution circle, Tirunelveli.
4. The Superintending Engineer TANGEDCO Coimbatore North Electricity Distribution Circle Coimbatore.
5. Tamilnadu Electricity Regulatory Commission Rep by its Secretary. 19-A Rukumini Lakshmiipathy Salai, Egmore, Chennai- 600 008 ..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st 2nd and 3rd Respondents to allow the utility change by converting the existing Energy Purchase Agreement dated 17.10.2019 to Energy Wheeling Agreement in Petitioners wind mills bearing WF HTSC No.3270 for captive consumption of the generated units in the petitioners own industry HTSC No. 0668 at Coimbatore North EDC and as per the common order of the high Court of Judicature at Madras dated



30.08.2019 which was upheld by the Honble Division Bench and also by the Honble Supreme Court of India and consequently make payment of Rs. 33,60,421/- towards the wind energy sold from the petitioners WEG No. 3270 for the period from 5/2019 to 12/ 2020 as per their respective 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 invoice.

For Petitioner : Mr.S.P.Parthasarathy

For Respondents : Mr.Krishna Pradeep,
for T.N.E.B.

O R D E R

According to the learned counsel appearing for the petitioner, the issue involved in the instant writ petition is squarely covered by the orders passed by this Court in W.P.No.4989 of 2018, dated 20.4.2021. The relevant paragraphs are extracted as follows:

'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



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- 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 per 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 1st respondent deciding not to concede any request for migration is set aside."

2. The learned counsel appearing for the respondent Board fairly agreed with the submission made by the counsel appearing for the petitioner.

3. As the issue involved in the present writ petition has already been settled by this Court in the order passed by this Court cited supra, the petitioner is entitled for the relief as prayed for.

4. Accordingly, the writ petition is allowed on the same line. The No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

// True Copy//

Sub Assistant Registrar

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To

1. The Chairman Cum Managing Director,
Tamilnadu Generation and Distribution Corporation Ltd.,
(TANGEDCO) 10th Floor,
144 Anna Salai Chennai- 600 002.
2. The Chief Engineer N.C.E.S.,
TANGEDCO, 2nd Floor, 144 Anna Salai,
Chennai- 600 002.
3. The Superintending Engineer
TANGEDCO, Tirunelveli Electricity



Distribution circle, Tirunelveli.

4. The Superintending Engineer
TANGEDCO Coimbatore North Electricity
Distribution Circle Coimbatore.

5. The Secretary,
Tamilnadu Electricity Regulatory Commission,
19-A Rukumini Lakshmipathy Salai, Egmore,
Chennai- 600 008.

+1cc to Mr.R.S.Pandiyaraj, Advocate, SR.No.31213

W.P.No.11224 of 2021
and W.M.P.No. 11876 of 2021

CA(CO)
RLP(02/08/2021)