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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.11231 OF 2021
AND W.M.P.NO. 11883 OF 2021

- 1 Win Power Engineering Pvt. Ltd.,
Rep. by its Authorized Signatory T.K.Kumar,
Plot No.30 Lakshmi Nagar 3rd Cross Street,
Near Bhoomadevi Nagar Gerugambakkam
Chennai- 600 122. ...Petitioner

Vs.

- 1 Tamilnadu 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, 2nd Floor, 144 , Anna Salai,
Chennai- 600 002.
- 3 The Superintending Engineer,
TANGEDCO, Tirunelveli Electricity
Distribution Circle, Tirunelveli.
- 4 The Superintending Engineer,
TANGEDCO Cuddalore Electricity
Distribution Circle, Cuddalore.
- 5 Tamilnadu Electricity Regulatory Commission
Rep by its Secretary, 19-A, Rukumini
Lakshmiipathy Salai, Egmore Chennai-8. ...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 terminating the existing Energy Purchase Agreements in WEG No.3611 EPA dated 15.03.2017 WEG No.3895 EPA dated 18.03.2017, WEG No.2410 and 2433 EPA dated 30.07.2018, WEG No. 2434 EPA dated 04.08.2018 WEGs No.3136 and 3137 EPA dated 28.03.2018 WEG NO. 3593 EPA dated 05.02.2021 WEG No.3154 EPA dated 26.04.2021 and WEG No.3147 EPA dated 19.05.2020 and



execute Energy Wheeling Agreement for Group captive consumption as per the common order of the honble High Court of Judicature at Madras dated 30.08.2019 which was upheld by the Honble Division Bench dated 18.02.2020 and also by the Honble Supreme Court of India, dated 24.9.2020 and consequently, make payment of Rs.1,02,88,210/- towards the wind energy sold to the petitioner for the period from 11/2019 to till date as per their respective invoices along with interest at 1% per month for any delay in payments.

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



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- 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 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 NCES,
TANGEDCO, 2nd Floor, 144 , Anna Salai, Chennai- 600 002.
- 3. The Superintending Engineer,
TANGEDCO, Tirunelveli Electricity Distribution Circle,
Tirunelveli.



4. The Superintending Engineer,
TANGEDCO Cuddalore Electricity Distribution Circle,
Cuddalore.

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5. The Secretary,
Tamilnadu Electricity Regulatory Commission,
19-A, Rukumini Lakshmipathy Salai, Egmore Chennai-8.

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

W.P.No.11231 of 2021
and W.M.P.No.11883 of 2021

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