

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.06.2021

Coram

The Honourable Mr. Justice D. KRISHNAKUMAR

W.P.No.11476 of 2021
and W.M.P.No.12209 of 2021

Sri Karvembukumaran Yarn P. Ltd.,
S.F.No.595, Ilapayam, Padnilingapuram P.O.,
Anjur, Aravakurichi Taluk, Kodumudi Via,
Karur - 638 151.
Rep. by its Managing Director

...Petitioner

Versus

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

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the second respondent to effect utility change in petitioner's Wind

Fan No.105 from group captive adjustment to its own captive adjustment in HTSC No.162 coming under the 3rd respondent as per his application dated 04.02.2020 on payment of necessary charges.

For Petitioner : Mr.S.P.Parthasarathy

For Respondents : Mr.N.Damodaran

O R D E R

(The case has been heard through video conference)

The present writ petition has been filed by the petitioner seeking to direct the second respondent to effect utility change in petitioner's Wind Fan No.105 from group captive adjustment to its own captive adjustment in HTSC No.162 coming under the third respondent as per his application dated 04.02.2020 on payment of necessary charges.

2. It is the case that the petitioner company is engaged in the manufacture of yarn at Karur and having High Tension Service Connection No.162 coming under the third respondent with a sanctioned load of 360KVA. The petitioner company has installed windmill of 1X 1225KW capacity each bearing WF HTSC No.105 coming under the fourth respondent. The energy generated by the windmill of the petitioner company was wheeled under group captive scheme, with permission to bank the surplus energy, for captive adjustment of the petitioner's sister concern viz., M/s.Sri Karvembu Textiles bearing HTSC No.379 coming under the Tiruppur Electricity Distribution Circle.

2.1. While so, due to business transfers and partition of the group companies, the petitioner company seeks utility change in their Wind Fan No.105 from group captive adjustment of Sri Karvembu Textiles P Ltd., HTSC No.379 to its own captive adjustment of Sri Karvembukumaran Yarn P Ltd., HTSC No.162 coming under the third respondent. The petitioner company has also made an application dated 04.02.2020 along with all requisite documents to the second respondent, for change of wind energy usage from existing Group captive arrangement to Own captive usage.

2.2. The petitioner company has already paid a sum of Rs.29,500/- vide Demand Draft towards Long Term Open Access Fees and now it is willing to pay all necessary charges in this regard. However, the utility change was not effected at all and the generation continued to be accounted for in the name of the petitioner's sister concern. Hence, the petitioner sent a reminder letter dated 29.10.2020 to the second respondent,

requesting him to take immediate action in this regard, however, till date no steps have been taken by the second respondent.

3. The learned counsel for the petitioner prays this Court to issue appropriate direction to the second respondent to consider the petitioner's representation and to pass appropriate orders therein.

4. Mr.N.Damodaran, learned counsel takes notice for the respondents. He would fairly submit that the petitioner's representation would be duly considered by the second respondent and appropriate orders would be passed on merits and in accordance with law, within a time frame, as stipulated by this Court.

5. Heard the learned counsel on both sides.

6. Considering the limited scope of prayer sought for by the petitioner in the present writ petition, this Court without expressing any opinion on the merits of the case, directs the second respondent to consider the petitioner's representation dated 04.02.2020 on merits and in accordance with law, as expeditiously as possible, within a period of eight weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mrr

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,
2nd Floor,
144, Anna Salai, Chennai - 600 002.

3. The Superintending Engineer,
TANGEDCO,
Karur Electricity Distribution Circle,
Karur.
4. The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.
5. The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukumini Lakshmipathy Salai,
Egmore, Chennai - 600 008.

+1cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.29710

W.P.No.11476 of 2021

RLD(CO)
RLP(19/07/2021)