

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2021

CORAM

THE HON'BLE MR.JUSTICE B. PUGALENDHI

WP No.11036 of 2020
and WMP.Nos.13431 & 13432 of 2020

Watsun Infrabuild Pvt.Ltd.,
with registered office at
No.4, First Floor, City Centre,
Opposite Mandvi Octroi,
Commerce College Road,
Bhuja Kachchh 370 001.

and site office at
Site No.25-B, First floor,
Vignesam Layout
Gandhi Nagar, Udumalpet 642 126
Tiruppur District, Tamil Nadu
Rep.by its Authorised Signatory ... Petitioner

Vs.

1. The Chief Engineer
Non-Conventional Energy Sources (NCES)
2nd floor, Eastern Wing,
TANGEDCO
144, Anna Salai,
Chennai 600 002.

2. The Superintending Engineer
Non-Conventional Energy Sources (NCES)
TANGEDCO
15A, Kumaraligam Road,
Udumalpet 642 154

3. The Director (Generation)
TANGEDCO
144, Anna Salai, Chennai 600 002.

4. CFC - Revenue
TANGEDCO
144, Anna Salai,
Chennai 600 002.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to process and grant the Group Captive Generation and Consumption approval for the petitioner's 55MW Solar Power Plant at Amathakadavu and Moonikiltholuvu Villages of Udumalpet Taluk, Tirupur District and J.Krishnapuram Village of Sulur Taluk, Coimbatore District in accordance with the procedure notified by the Hon'ble TNERC in R.A.No.7 of 2019 dated 28.01.2020.

For Petitioner : Mr.A.R.L.Sundaresan
Senior Counsel for
R.Parthasarathy

For Respondents: Mr.N.Damodharan
Standing Counsel for R1 to R4

ORDER

The writ petition is filed for the issuance of a Mandamus directing the respondents to process and grant the Group Captive Generation and Consumption approval for the petitioner's 55MW Solar Power Plant at Amathakadavu and Moonikiltholuvu Villages of Udumalpet Taluk, Tirupur District and J.Krishnapuram Village of Sulur Taluk, Coimbatore District in accordance with the procedure notified by the Hon'ble TNERC in R.A.No.7 of 2019 dated 28.01.2020.

2. Pending this writ petition, it appears that an amicable solution has been arrived at between the petitioner and the respondents. Based on the letter submitted by the petitioner's Company dated 23.02.2021 stating that subject to the issuance of the Grid tie up and NFR time extension till commissioning of plant, they have agreed to withdraw the writ petition and accordingly, based on the petitioner's letter dated 23.02.2021, the respondents have also passed the Noted for Record Addendum, without prejudice to the order dated 07.10.2020.

3. Pursuant to the same the Assistant Manager - Regulatory & Sales and an authorised signatory of the petitioner company signed the affidavit before this Court which reads as follows:-

"3. It is submitted that, pursuant to the petitioner's Open Access approval as a captive generator filed on 11.07.2019 in respect of the petitioner's 55MW solar power plant, the petitioner

was issued 'Noted for Record' ('NFR') on 01.08.2019, Clause 22 of the said NFR reads as follows:-

'Your proposed 55MW solar PV power plant shall be commissioned in synchronisation with TANGEDCO grid within 10 monthly from the date of issue of this Noted for Record letter. Otherwise, security deposit paid by you for an amount of Rs.5 crores and 50 lakhs collected vide PR No.236507 dated 01.02.2018 and PR No.236848 dated 26.02.2019 will be forfeited and this 'Noted for Record' letter shall stand automatically cancelled without any further notice or information whatsoever.'

During pendency of the instant writ petitions, this Hon'ble Court was pleased to grant protection in respect of the date for commissioning/synchronisation since the commissioning could not be achieved due to reasons of the verification exercise being an ongoing process, which petitioner had to comply with and same was required pursuant to the orders of the Hon'ble TNERC in its orders in R.A.7 of 2019 which came to effect after the issuance of the NFR. Pursuant to the final approval issued by the respondent TANGEDCO on 27.02.2021 basis which the commissioning/synchronisation already taken place on 01.03.2021. The compliance with the terms and fulfillment of the conditions of the NFR may therefore be recorded by this Hon'ble Court".

5. In view of the subsequent development that the final approval letter dated 27.02.2021 was issued by the respondent TANGEDCO and that the commissioning has taken place on 01.03.2021 in terms of the Noted For Record letter dated 01.08.2019, this writ petition is disposed of, by recording the affidavit of the petitioner. No costs. Consequently connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

dpq

To

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+1cc to Mr.R.Parthasarathy, Advocate SR.No.14150

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GPL (CO)
GMY (08/04/2021)

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