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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2021

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THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR

W.P.NO. 13763 OF 2021
AND WMP.NO.14607 OF 2021

Sandfits Foundries Private Ltd.,
S.F.No.200/1A, Trichy Road,
Ravathur Pirivu, Kannampalayam Post,
Coimbatore-641402,
rep. by its Managing Director R.Saravanan

..Petitioner

Vs

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

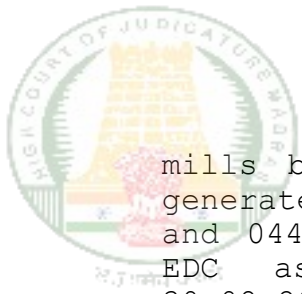
2. The Chief Engineer, NCES,
TANGEDCO
2nd Floor,
144, Anna Salai,
Chennai -600002

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

4. Tamilnadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmi pathy 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 Mandamus directing the respondents 1 to 3 to allow the Utility Change by converting the existing Energy Purchase Agreement dated 17.10.2019 to Energy Wheeling Agreement in petitioner's wind



mills bearing WF HTSC No.3085 for captive consumption of the generated units in the petitioner's own industry HTSC No.0125 and 0448 at Coimbatore Metro EDC and HTSC No.0299 at Palladam EDC as per the common order of the Hon'ble High Court dated 30.08.2019 which was upheld by the Division Bench and also by the Hon'ble Supreme Court of India and consequently, make a payment of Rs.74,00,701/- towards the wind energy sold from the petitioner's WEG No.3085 for the period from 10/2019 to 01/2021 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.D.Krishna Pradeep,
Standing Counsel for TNEB

O R D E R

Heard Mr.S.P.Parthasarathy, learned Counsel appearing for the petitioner and Mr.D.Krishna Pradeep, 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 a direction against the respondent nos.1, 2 & 3, to convert the existing EPA dated 17.10.2019 executed for the arrangement of Sale of Board, into an EWA for the arrangement of the Captive Consumption of the wind energy of the windmill having WEG HTSC Nos.3085, 0125 and 0448 at Coimbatore metro EDC at the spinning mill of the petitioner in the HTSC No. 0299 at Palladam EDC.

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 2021. 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 an 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 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 17.10.2019 issued by the 1st respondent deciding not to concede any request for migration is set aside.

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

Sd/-
Assistant Registrar (CS-IX)

// True Copy//

Sub Assistant Registrar

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To

1. The Chairman-cum-Managing Director.
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
10th Floor, 144, Anna Salai,
Chennai -600002
2. The Chief Engineer, NCES,
TANGEDCO
2nd 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 Lakshmipathy Salai,
Egmore, Chennai-600008.

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+1cc to Mr.R.S.Pandiyaraj, Advocate, SR.No.31314

W.P.No. 13763 of 2021

PCH (CO)

RLP (03/08/2021)