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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2021

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THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR

W.P.No. 13791 of 2021
and WMP.No. 14639 of 2021

M/s. Vaayu India Power Corporation Pvt Ltd.,
Represented by its Authorised Signatory,
V.Chandrasekar,
2nd Floor, Fagun Chambers,
4/26, Ethiraj Salai, Egmore,
Chennai-600105.

..Petitioner

Vs

1. The Chairman
TANGEDCO
144, Anna Salai,
Chennai-600002.
2. Chief Financial Controller (General)
TANGEDCO
7th Floor, 144, Anna Salai,
Chennai-600002.
3. The Chief Engineer, NCES,
TANGEDCO
2nd Floor, 144, Anna Salai,
Chennai -600002
3. The Superintending Engineer,
TANGEDCO,
Tirunelveli EDC,
Tirunelveli.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents for the execution of energy wheeling Agreement for captive consumption under the preferential tariff scheme on the application dated 21/04/2021 submitted by the petitioner.



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For Petitioner : Mr.T.Chezhiyan

For Respondents : Mr.D.Krishna Pradeep
for TNEB

O R D E R

Heard Mr. T.Chezhiyan, 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 direction to the respondents for the execution of energy wheeling Agreement for captive consumption under the preferential tariff scheme on the application dated 21/04/2021 submitted by the petitioner.

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. Following the aforesaid decision, this High Court has also passed a recent order in W.P.No. 4989 of 2018 dated 20.04.2021. The learned counsel for the petitioner requested that the present writ petition may be decided on the same line.

5. 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 group of companies subject to the verification by the respondent Board. The said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this Order.



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ii. the respondents/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.

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

Sd/-

Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

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To

1. The Chairman
TANGEDCO
144, Anna Salai,
Chennai-600002.
2. The Chief Financial Controller (General)
TANGEDCO
7th Floor, 144, Anna Salai,
Chennai-600002.
3. The Chief Engineer, NCES,
TANGEDCO
2nd Floor, 144, Anna Salai,
Chennai -600002
4. The Superintending Engineer,
TANGEDCO,
Tirunelveli EDC,
Tirunelveli.

+1cc to Mr.T.Chezhiyan, Advocate, S.R.No.31764

W.P.No. 13791 of 2021
and
WMP.No. 14639 of 2021

PCH (CO)
RLP (30/07/2021)