



WP.No.15454 of 2021

WEB COPY

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D.KRISHNAKUMAR,J.

At the instance of leaned counsel for the petitioner, today this matter is posted under the caption "for being mentioned" as the order passed by this Court is not relevant to the facts of the case on hand, Therefore, both parties requested for clarification and modification of the facts of the case. As per the facts of the present case, the petitioner has challenged the rejection order passed by the respondent terminating the petitioner by order dated 09.03.2021 as arbitrary and illegal. Further direction is also prayed in the writ petition.

2. The learned counsel appearing for the writ petitioner submitted that batch of writ petitions have been filed and similar relief was sought for in WP.Nos. 5196, 11725, 8459 and 8463 of 2019 and 6694 and 1275 of 2018. By a common order dated 30.08.2019, the aforesaid writ petitions were allowed by this Court and liberty was granted to the petitioners therein.

3. Challenging the aforesaid order, an appeal has been preferred before this Court in W.A.No.4197 of 2019. The aforesaid appeal was dismissed and the same was confirmed by the Hon'ble Supreme Court by order dated 24.09.2000. Therefore, the petitioner has filed the present Writ Petition for granting relief on the same line where this court has already granted the relief to the earlier petitioners.

4. Considering the order passed in the aforesaid writ petition



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in W.P. 13763 of 2021 dated 06.07.2021, this Court is inclined to pass the order as follow:

i) the respondent/TANGEDCO are directed to permit the petitioner to switch over to use for captive consumption/third party sale in terms of its right of open access;

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 provided in Clause 7(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 petitioner to migrate from EPA to EWA, the proceedings dated 08.06.2021 issued by the 2nd respondent in its letter bearing Lr.No.002289/L22/ M/s. Swelect Green Energy Solutions Private Limited/2020-21 ("impugned letter") rejecting the petitioner's termination dated 09.03.2021 and deciding not to concede any request for migration, is set aside.

5. In fine, the impugned order is quashed, the Writ Petition stands allowed.

17.09.2021

MNR

Note: Registry is directed to issue fresh order copy.

Issue order copy on 22.09.2021



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17.09.2021