



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WRIT PETITION NO.16724 OF 2021

M/s.Vaayu India Power Corporation Pvt.Ltd.,
Rep.by its Authorised Signatory V.Chandrasekar
2nd Floor, Fagun Chambers,
4/26, Ethiraj Salai
Chennai - 600 105.

... Petitioner

-Vs-

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,
Tiruneleveli.

... Respondents

PRAYER:-

Writ Petition under Article 226 of the Constitution of India praying for the issuance of 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 submitted by the Petitioner dated 12.7.2021 in the name of its special purpose vehicle namely M/s.Vaayu Renewable Energy (Godavari) Pvt Ltd.



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For Petitioner : Mr.T.Chezhiyan

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel

O R D E R

Heard Mr. T.Chezhiyan, learned Counsel appearing for the petitioner and Mr.L.Jai Venkatesh, 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 12.07.2021 submitted by the petitioner in the name of its special purpose vehicle namely M/s.Vaayu Renewable Energy (Godavari) Pvt. Ltd..

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 followed in W.P.No.13791 of 2021, dated 07.07.2021. 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;

"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."

6. In fine, with the above direction, the writ petition stands allowed. No costs.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

KST

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.L.Jai Venkatesh, Standing Counsel for Respondents,
S.R.No.39934

W.P.NO.16724 OF 2021

KSM(CO)
PBS/27/08/2021