



WEB COPY

Cont.P.No.1242 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2021

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

Cont.P.No.1242 of 2021

M/s.S.B.Textile Mills,
WF.HT.SC.Nos.2613, 2614 & 2615,
5/114, Main Road,
Karuvalur – 641 670.
Avinashi (Tk), Tiruppur,
Represented by its
Authorized Signatory S.Kamal Prasath

.. Petitioner

vs.

1.Thiru Rajeshlakhoni I.A.S.,
Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
10th Floor, 144, Anna Salai,
Chennai-600 002.

2.M.Shivalingarajan,
The Chief Engineer, NCES,
TANGEDCO, 2nd Floor,
144, Anna Salai, Chennai-600 002.

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

.. Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the respondents for their act of committing contempt of court by disobeying the order of this Court dated 20.04.2021 made in W.P.No.4989 of 2018.



For Petitioner
For Respondents

: M/s.R.S.Pandiyaraj,
: Mr.G.Jaivenkatesh
Standing Counsel

ORDER

The petitioner, alleging non compliance of the order passed by this Court dated 20.04.2021 in W.P.No.4989 of 2018, has filed the present contempt petition.

2. The above said writ petition was filed for a direction to the respondents 1 and 2 to convert the existing Energy Purchase Agreement dated 14.09.2017 executed for the arrangement of Sale of Board, into an Energy Wheeling Agreement for the arrangement of Captive Consumption of the wind energy of the windmill having WEG HTSC Nos.2613, 2614 and 2615 of Tirunelveli EDC at the spinning mill of the petitioner in the HTSC No.214 at the Tiruppur Electricity Distribution Circle. This Court allowed the writ petition, vide order dated 20.04.2021, 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 20.05.2017 issued by the first respondent deciding not to concede any request for migration is set aside.

3. The learned Standing Counsel for the respondents has produced a copy of the communication received by him from the Chief Engineer, NCES, Chennai-2 in Lr.No.CE/NCES/SE/Solar/EE/WPP/AEEEE2/F.Court Case/D.... /21 dated 22.10.2021, wherein it has been stated that necessary orders have been issued by CE/NCES vide Lr.No.008345/L12/F. M/s.SB Textile Mills / D.68/2021, Dt:16.10.2021 to M/s.SB Textile Mills permitting migration from Sale to Board to Captive use and thus, direction (i) passed by this Court dated 20.04.2021 has been complied with and with regard to direction (ii) viz., settling the dues to the petitioner, it has been stated that necessary letter has been requested to the Director Finance/TANGEDCO. The learned Standing Counsel further submitted that as far as the dues are concerned, the respondents Board has settled the dues to the petitioner till July, 2021, as per the respective bills



raised by them, which is not disputed by the learned counsel for the petitioner.

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4. The grievance of the petitioner is that subsequently, the respondent Board has purchased energy/power from the petitioner windmill for August, 2021 and September, 2021 and for the said period, the respondents Board has not settled the respective dues to the petitioner. In this regard, the respondents Board has submitted written instructions before this Court from the Chief Engineer / NCES (a/c) addressed to the Director Finance, Chennai-2 in U.O.No.Dir/Gen/CE/NCES/EE/WPP/AEE2/F. Migration /D.408/21 dated 26.08.2021, a copy of which has been produced before this Court, stating that the aforesaid pending dues will be settled on priority basis and to that extent, appropriate orders have been passed to release the payment.

5. Recording the above submissions and the aforesaid communications of the respondents Board, as produced by the learned Standing Counsel, this Contempt Petition is closed.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

jvm

//Certified to be true copy//

Dated at Madras this the day of 2022.
COURT OFFICER(O.S.)
from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.



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GS/10/01/2022

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To

1. The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
10th Floor, 144, Anna Salai, Chennai-600 002.
2. The Chief Engineer, NCES,
TANGEDCO, 2nd Floor,
144, Anna Salai, Chennai-600 002.
3. The Superintending Engineer,
TANGEDCO, Tirunelveli Electricity Distribution Circle,
Tirunelveli.