



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. No. 18969 of 2021

and

W.M.P.No. 20227 of 2021

The Arasan Fireworks Factory Sivakasi
WEG No.2530, 4/935, Saraswathi Palayam
Post Box No.217, Sivakasi 626 123
Represented by its partner
G.Parthasarathy.

..Petitioner

Vs.

1. Tamilnadu Generation and Distribution Corporation Ltd, (TANGEDCO),
10th Floor, 144, Anna Salai,
Chennai - 600 002
Represented by its Chairman
Cum Managing Director
2. The Chief Engineer/NCES,
TANGEDCO,
2nd Floor,
144, Anna Salai, Chennai - 600 002
3. The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli
4. Tamilnadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmipathi Salai,
Egmore, Chennai - 600 008.
Represented by its Secretary.

...Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus, directing the 1st, 2nd and 3rd respondents to allow the Utility Change by terminating the existing Energy Purchase Agreements all dated 26.03.2008 and execute Energy Wheeling Agreement for 3rd party sale in petitioner's WEG No. 2530 as per the Common Order of the Hon'ble High Court of Judicature at Madras dated 30.08.2019 which was upheld by the Hon'ble Division Bench dated



18.02.2020 and also by the Hon'ble Supreme Court of India dated 24.09.2020 and consequently make payment of Rs. 12,69,699/- towards the wind energy sold from the petitioner's WEG No. 2530 for the period from September/2019 to till date as per their respective invoices along with interest at 1% per month for any delay in payments.

For Petitioner : M/s.R.S. Pandiyaraj

For Respondents : M/s.M. Abul Kalam
Standing Counsel

O R D E R

Heard Mr.R.S.Pandiyaraj, learned Counsel appearing for the petitioner and Mr.M.Abdul Kalam, learned Standing Counsel appearing on behalf of the respondents.

2. The issue involved that has been raised in the present Writ Petition is covered by the earlier order passed by this Court in a batch of Writ Petitions in W.P.Nos.5196, 11725, 8459 & 8463 of 2019 and 6694 & 1275 of 2018 dated 30.08.2019. This order was subsequently confirmed by the First Bench of this Court in W.A.Nos.4189, 4194, 4197, 4201, 4204 and 4205 of 2019 dated 18.02.2020.

3.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.

4. In view of the above, this Writ Petition is allowed with the following directions:

(a) The respondents/TANGEDCO are directed to permit to petitioner to switch over to captive consumption/group captive consumption/third party sale, as the case may be, as per the request made by the petitioner.

(b)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.

(c) Consequently, in view of permitting the petitioner to migrate from EPA to EWA, the proceedings dated 20.05.2017 of the first respondent deciding not to concede any request for migration is set aside.

5. This Writ Petition is allowed accordingly. No costs.



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Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

RAP/RR

To

1. The Chairman Cum Managing Director,
Tamilnadu 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
4. The Secretary
Tamilnadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmipathi Salai,
Egmore, Chennai - 600 008.

+1cc to Mr.R.S.Pandiya Raj, Advocate, S.R.No.45438

W.P.No. 18969 of 2021
and
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PCH (CO)
RGA (27/09/2021)