

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 27.1.2021

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.No.17168 of 2020
and
W.M.P.No.21223 of 2020

Mani Nagappa Motors Madurai (Pvt) Ltd.,
No.10, Deputy Collector Colony Road,
K.K.Nagar, Madurai
rep. by its Managing Director
M.Somu

Petitioner

vs.

1. Tamil Nadu Electricity Regulatory
Commission rep. by its Secretary,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road),
Egmore, Chennai 600 008.
 2. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
144 Anna Salai,
Chennai 600 002.
 3. Director Finance,
Tamil Nadu Generation and Distribution
Corporation Limited,
144 Anna Salai,
Chennai 600 002.
 4. The Superintending Engineer,
TANGEDCO,
Palladam Electricity Distribution Circle,
Palladam.
 5. The Superintending Engineer,
TANGEDCO,
Thiruppur Electricity Distribution Circle,
Thiruppur.
- Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing 3rd and 4th respondents to forthwith make payment of Rs.83,15,390/-

which according to the petitioner is due and payable for the Wind Energy Generated and supplied by the petitioner to the respondents from 8.3.2018 to 30.9.2020 and further direct the respondents to pay interest @ 1% per month for any delay in settlement of invoices beyond the period of 30 days from the date of invoice.

For Petitioner : Mr.A.Thiyagarajan

For R1 : Mr.Abdul Saleem

For R2 to R5 : Mr.N.Damodaran, Standing Counsel

ORDER

This writ petition is filed for a mandamus directing respondents 3 and 4 to pay the arrears of amount due and payable for the Wind Energy generated and supplied by the petitioner to the respondents from 8.3.2018 to 30.9.2020 together with an interest at the rate of 1% per month.

2. The case of the petitioner is that they have erected the Wind Mills and they have sold the electricity generated from their Wind Mills at the rate of Rs.3.51 per unit to the 4th respondent in accordance with the Energy Purchase Agreement dated 28.9.2012 executed by the second respondent and the petitioner, however, the respondents have not paid the dues for the period from 8.3.2018 and therefore, filed this present writ petition. It is also the case of the petitioner that for the settlement of those dues, the Central Government has also shown some indulgence and paid a sum of Rs.70,000 crores to the TANGEDCO and even then the amounts are not settled by the TANGEDCO.

3. Pending this writ petition, the respondents have paid a sum of Rs.35,13,296/- on 18.12.2020 as a part payment and even then a sum of Rs.48 lakhs and odd are due from the TANGEDCO.

4. Mr.Damodaran, learned counsel appearing for the Board, on instructions, submits that in the present financial difficulties, TANGEDCO is not in a position to pay the sum immediately, however, they have paid a sum of Rs.35,13,296/- on 8.12.2020 and they are also taking earnest efforts to pay the balance amount.

5. The petitioner is producing Wind Energy pursuant to the Energy Purchase Agreement dated 28.9.2012 with certain conditions and therefore, the respondent TANGEDCO has to pay dues as per the agreement. In this case, it appears that the dues have not been paid from March 2018 onwards and therefore, this writ petition is allowed with a direction to the Board to pay balance due amount to the petitioner within a period of 4

weeks from today with interest as applicable as per the agreement dated 28.9.2012. No costs. The connected Miscellaneous Petition is also closed.

6. Mr.Damodaran, learned Standing Counsel is also directed to inform the order to the respondent Board.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssk.

To

1. Tamil Nadu Electricity Regulatory Commission rep. by its Secretary, 19-A, Rukmini Lakshmipathy Salai, (Marshall's Road), Egmore, Chennai 600 008.
2. The Chairman, Tamil Nadu Generation and Distribution Corporation Limited, 144 Anna Salai, Chennai 600 002.
3. Director Finance, Tamil Nadu Generation and Distribution Corporation Limited, 144 Anna Salai, Chennai 600 002.
4. The Superintending Engineer, TANGEDCO, Palladam Electricity Distribution Circle, Palladam.
5. The Superintending Engineer, TANGEDCO, Thiruppur Electricity Distribution Circle, Thiruppur.

+1cc to Mr.A.Thiyagarajan, Advocate, S.R.No. 4380

W.P.No.17168 of 2020

AD(CO)
GN(05/02/2021)