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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.21160 of 2021
& W.M.P.No. 22451 of 2021

Mrs. B.Tamilselvi,
WEG No.079214722463,
17/1, Sri Nagar, Kurumbapalayam,
Vedapatty PO, Coimbatore - 641007,

...Petitioner

-Vs-

1. Tamilnadu Generation and Distribution Corporation Ltd, (TANGEDCO),
10th floor, 144, Anna Salai,
Chennai-600002.
Represented by its Chairman
cum Managing Director
2. The Chief Engineer/NCES,
TANGEDCO,
2nd Floor,
144 Anna Salai, Chennai-600002
3. The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli
4. Tamil Nadu Electricity Regulatory Commission,
19-A RukuminiLakshmipathySalai
Egmore, chennai-600008.
Represented by its Secretary

...Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st 2nd and 3rd Respondents to allow the Utility change to the petitioner by terminating the existing Energy purchase Agreements all dated 10.05.2021 for their WEG Nos. 079214722463 and execute fresh Energy Wheeling Agreement under third party sale as per the Common Order of the Honourable High court of



Judicature at Madras dated 30.8.2019 which was upheld by the Honourable Division Bench dated 18.2.2020 and also by the Honourable Supreme court of India dated 24.9.2020 and make outstanding payment of Rs.5,02,912/- to the petitioner towards the wind energy sold by the petitioner for the period from May/2021 as per their respective invoices along with interest at 1% per month for any delay in payments.

For Petitioner : Mr. R.S.Pandiyaraj

For Respondents: Mr. 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. Consequently, the connected miscellaneous petition is closed.

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-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

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To

1. The Chairman
cum Managing Director
Tamilnadu Generation and Distribution
Corporation Ltd, (TANGEDCO),
10th floor, 144, Anna Salai,
Chennai-600002.
2. The Chief Engineer/NCES,
TANGEDCO,
2nd Floor,
144 Anna Salai, Chennai-600002
3. The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli
4. The Secretary
Tamil Nadu Electricity Regulatory Commission,
19-A Rukunilakshmi Salai
Egmore, Chennai-600 008.

+1 CC to Mr.R.S.Pandiyaraj, Advocate sr 57652.

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AD(CO)
SP(28/10/2021)