



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.23234 of 2021
and
W.M.P.No.24528 of 2021

M/s.Karmen International Pvt Ltd
Rep by its Deputy General Manager
Ranjan Kumar Dhir Plot No. 12 Ponniamman
Nagar Road Ayanambakkam Chennai - 600095. Petitioner

-Vs-

- 1 The Chairman
TANGEDCO 144 Anna Salai Chennai - 600 002.
- 2 The Chief Engineer NCES
TANGEDCO 2nd Floor 144 Anna Salai
Chennai - 600 002.
- 3 The Chief Financial Controller (General)
TANGEDCO 7th Floor 144 Anna
Salai Chennai - 600 002.
- 4 The Superintending Engineer
TANGEDCO Udumalpet EDC Udumalpet. 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 termination of the PPA dated 27.9.2011 and to execute energy wheeling agreement for captive consumption.

For Petitioner : Mr.T.Chezhiyan
For Respondents : Mr.M.Abul Kalam
Standing Counsel

O R D E R

Heard T.Chezhiyan, learned Counsel appearing for the petitioner and Mr.M.Abul Kalam, 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 a direction against the termination of the PPA dated 27.9.2011 and to execute energy wheeling agreement for captive consumption.

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 2021. 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 an 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. In view of the above, the present writ petition deserves to be allowed with the following directions;

- i. the respondent/TANGEDCO are directed to permit the petitioner to switch over to group 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.

5. In fine, with the above directions, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

KST



To

- 1 The Chairman
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Chennai - 600 002.
- 3 The Chief Financial Controller (General)
TANGEDCO 7th Floor 144 Anna
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TANGEDCO Udumalpet EDC Udumalpet.

W.P.No.23234 of 2021

MG(CO)
SU(29/11/2021)