



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.26191, 26192 & 26193 of 2021

W.P.No.26191 of 2021:

Sri Kannika Parameswari stores,
No.91 Kamarajar street Villupuram -605602,
Repd by its Proprietor gunasekaran Mannar. ...Petitioner

VS

- 1 Tamil Nadu Generation and Distribution corporation LTd
(TANGEDCO) 10th floor, No.144 Anna salai,
chennai-02, Rep by its Chairman Cum Managing Director.
- 2 The Chief Engineer,
Non-Conventional Energy sources, TANGEDCO,
2nd Floor, 144 Anna salai, chennai-600002.
- 3 The Superintending Engineer,
TANGEDCO, Palladam Electricity Distribution circle,
Palladam.
- 4 Tamil Nadu Electricity Regulatory Commission,
19-A Rukumini Lakshmi pathy salai, Egmore,
chennai-600008,
Rep by its secretary. ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue 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 dated 15.07.2009 for their WEG Nos.039214391402 (Old No.1679) and execute fresh Energy Wheeling Agreement under 3rd party sale scheme as per 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 due to the petitioner towards the wind energy sold by the petitioners WEG No. 039214391402(Old No.1679) as per their respective invoices till the utility change is



effected along with interest at 1 percent per month for any delay in payments.

W.P.No.26192 of 2021:

M/s.Sri Balaji and CO
Adm.off No.405 Maker chamber V
4th Floor Nariman Point, Mumbai-400 021
Rep by its Authorized signatory
R.Venkatachalam

.....Petitioner

Vs

- 1 Tamil Nadu Generation and Distribution corporation LTd
(TANGEDCO) 10th floor,
No.144 Anna salai, chennai-02,
Rep by its Chairman Cum Managing Director
- 2 The Chief Engineer
Non-Conventional Energy sources TANGEDCO
2nd Floor, 144 Anna salai, chennai-600002.
- 3 The Superintending Engineer,
TANGEDCO Udumalpet Electricity Distribution
circle, Udumalpet.
- 4 Tamil Nadu Electricity Regulatory Commission,
19-A Rukumini Lakshmipathy salai,
Egmore chennai-600008
Rep by its secretary.

.....Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue 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 dated 27.03.2010 for their WEG Nos.059224760251 (Old No.T66) and execute fresh Energy Wheeling Agreement under Group Captive Scheme 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.1 87 60 316/- to the petitioner towards the wind energy sold by the petitioner for the period from July 2020 to September 2021 as per their respective invoices along with interest at 1 percent per month for any delay in payments.



W.P.No.26193 of 2021:

The Metal Powder company Ltd
Maravankulam village Thirumangalam,
Madurai,
Repd by its Chief Executive officer
Sri.A.Kasirajan

.....Petitioner

Vs

- 1 Tamil Nadu Generation and Distribution corporation LTd
(TANGEDCO) 10th floor, No.144 Anna salai,
chennai-02, Rep by its Chairman Cum Managing Director.
- 2 The Chief Engineer,
Non-Conventional Energy sources, TANGEDCO,
2nd Floor, 144 Anna salai, chennai-600002.
- 3 The Superintending Engineer,
TANGEDCO, Palladam Electricity Distribution circle,
Palladam.
- 4 Tamil Nadu Electricity Regulatory Commission,
19-A Rukumini Lakshmipathy salai, Egmore,
chennai-600008,
Rep by its secretary.Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue 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 dated 8.3.2020 and execute fresh Energy Wheeling Agreement for their own Captive Consumption of the energy generated in petitioners WF HTSC No.039224391657 (Old No.971) 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 consequently make payment of Rs.31 22 836/- towards the wind energy sold by the petitioners WEG for the period from July 2020 to September 2021 as per their respective invoices along with interest at 1 percent per month for any delay in payments.

For petitioners : Mr. R. S. Pandiaraj (in all W.P.s')

For Respondents : Mr. L.JaiVenkatesh
Standing Counsel (in all W.P.s')



COMMON ORDER

W.P.No.26191 of 2021 has been filed seeking 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 dated 15.07.2009 for their WEG Nos.039214391402 (Old No.1679) and execute fresh Energy Wheeling Agreement under 3rd party sale scheme as per 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 due to the petitioner towards the wind energy sold by the petitioners WEG No. 039214391402(Old No.1679 as per their respective invoices till the utility change is effected along with interest at 1 percent month for any delay in payments.

2. W.P.No.26192 of 2021 has been filed seeking 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 dated 27.03.2010 for their WEG Nos.059224760251 (Old No.T66) and execute fresh Energy Wheeling Agreement under Group Captive Scheme 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.1 87 60 316/- to the petitioners towards the wind energy sold by the petitioner for the period from July 2020 to September 2021 as per their respective invoices along with interest at 1 percent month for any delay in payments.

3. W.P.No.26193 of 2021 has been filed seeking 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 dated 8.3.2020 and execute fresh Energy Wheeling Agreement for their own Captive Consumption of the energy generated in petitioners WF HTSC No.039224391657 (Old No.971) 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 consequently make payment of Rs.31 22 836/- towards the wind energy sold by the petitioners WEG for the period from July 2020 to September 2021 as per their



respective invoices along with interest at 1 percent month for any delay in payments.

4. Heard Mr.R.S.Pandiyaraj, learned Counsel appearing for the petitioners and Mr.L.Jai Venkatesh, learned Standing Counsel appearing on behalf of the respondents.

5. The issue involved that has been raised in the present Writ Petitions 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.

6. 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.

7. In view of the above, these Writ Petitions are allowed with the following directions:

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

(b) The respondents/TANGEDCO are directed to settle the respective dues to the petitioners as per their respective invoices raised by them, along with interest as per Clause 6(b), within a period of four months from the date of receipt of a copy of this order.

8. 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.

9.The Writ Petitions are allowed accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1 Tamil Nadu Generation and Distribution corporation LTd
(TANGEDCO) 10th floor, No.144 Anna salai,
chennai-02, Rep by its Chairman Cum Managing Director.

2 The Chief Engineer,
Non-Conventional Energy sources, TANGEDCO,
2nd Floor, 144 Anna salai, chennai-600002.

3 The Superintending Engineer,
TANGEDCO, Palladam Electricity Distribution circle,
Palladam.

4 Tamil Nadu Electricity Regulatory Commission,
19-A Rukumini Lakshmipathy salai, Egmore,
chennai-600008,
Rep by its secretary.

5 The Superintending Engineer,
TANGEDCO Udumalpet Electricity Distribution circle,
Udumalpet.

+3cc's to Mr.R.S.Pandiyaraj, Advocate SR.No.65654

W.P.Nos.26191, 26192 & 26193 of 2021

KSM(CO)
GN(10/01/2022)