



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.25808, 25820, 25822, 25825 & 25828 of 2021
and
WMP.Nos.27271, 27273, 27294, 27295, 27296, 27297,
27301, 27302, 27306 and 27307 of 2021

G.Kalpana Wind Mill
WEG Nos.079204720104,
98/315A P.K.S.A.Arumugam Road,
Sivakasi- 626 189
Repd. by its Authorized Signatory K.Padmanabhan.
...Petitioner in W.P.No.25808 of 2021

GK Wind Energy
WEG Nos.079204720126,
98/315A P.K.S. A.Arumugam Road,
Sivakasi- 626 189,
Repd. by its Authorized Signatory K.Padmanabhan.
...Petitioner in W.P.No.25820 of 2021

GK Wind Energy,
WEG Nos.079204720143
98/315A P.K.S. A.Arumugam Road,
Sivakasi- 626 189,
Repd. by its Authorized Signatory K.Padmanabhan.
...Petitioner in W.P.No.25822 of 2021

GK Wind Energy,
WEG Nos.079204720143,
98/315A P.K.S. A.Arumugam Road,
Sivakasi- 626 189,
Repd. by its Authorized Signatory K.Padmanabhan.
...Petitioner in W..No.25825 of 2021

GK Wind Energy,
WEG Nos.079204720394,
98/315A P.K.S. A.Arumugam Road,
Sivakasi- 626 189,
Repd. by its Authorised Signatory K.Padmanabhan.
...Petitioner in W.P.No.25828 of 2021



WEB COPY

Vs

- 1 The Tamil Nadu Generation and Distribution Corporation Ltd,
TANGEDCO,
10th Floor Eastern wing,
N.P.K.R.R.Maligai,
144 Anna Salai Chennai- 600 002,
Rep by its
chairman and Managing Director.
- 2 The Chief Engineer
Non- Conventional Energy Sources (NCES)
TANGEDCO, 2nd Floor, Eastern wing,
144 Anna Salai Chennai- 600 002.
- 3 The Superintending Engineer
TANGEDCO Tirunelveli Electricity
Distribution Circle, Tirunelveli.
- 4 Tamil nadu Electricity Regulatory Commission,
6th Floor , SIDCO Corporate Office Building,
Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai,
Rep by its Secretary.

... Respondents in all the petitions

PRAYER in W.P.No.25808 of 2021: This Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the 2nd Respondent to grant long term intra state open access approval to the petitioners wing Energy Generators WF. HT.SC. Nos. 079204720104 on the petitioners application dated 14.06.2021 to the 2nd Respondent and consequently direct the 3rd Respondent to execute fresh Energy Wheeling Agreement for the Petitioners wind Energy Generator Nos. 079204720104 under group captive scheme as per the wing Tariff order issued by the 4th respondent TNERC and consequently account for all the generated units from 01/2019 of the Petitioners WEGs Nos.079204720104 and make payment for such unit at the appropriate tariff fixed by the 4th Respondent.

PRAYER W.P.No.25820 of 2021: This Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the 2nd Respondent to grant long term intra state open access approval to the petitioners wing Energy Generators WF. HT.SC. Nos. 079204720126 on the petitioners application dated 23.07.2021 to the 2nd Respondent and



consequently direct the 3rd Respondent to execute fresh Energy Wheeling Agreement for the Petitioners wind Energy Generator Nos. 079204720126 under group captive scheme as per the wing Tariff order issued by the 4th respondent TNERC and consequently account for all the generated units from 01/2021 of the Petitioners WEGs Nos.079204720126 and make payment for such unit at the appropriate tariff fixed by the 4th Respondent.

PRAYER in W.P.No.25822 of 2021: This Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the 2nd Respondent to grant long term intra state open access approval to the petitioners wing Energy Generators WF. HT.SC. Nos. 079204720143 on the petitioners application dated 23.07.2021 to the 2nd Respondent and consequently direct the 3rd Respondent to execute fresh Energy Wheeling Agreement for the Petitioners wind Energy Generator Nos. 079204720143 under group captive scheme as per the wing Tariff order issued by the 4th respondent TNERC and consequently account for all the generated units from 01/2021 of the Petitioners WEGs Nos.079204720143 and make payment for such unit at the appropriate tariff fixed by the 4th Respondent.

PRAYER in W.P.No.25825 of 2021: This Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the 2nd Respondent to grant long term intra state open access approval to the petitioners wing Energy Generators WF. HT.SC. Nos. 079204720144 on the petitioners application dated 23.07.2021 to the 2nd Respondent and consequently direct the 3rd Respondent to execute fresh Energy Wheeling Agreement for the Petitioners wind Energy Generator Nos. 079204720144 under group captive scheme as per the wing Tariff order issued by the 4th respondent TNERC and consequently account for all the generated units from 01/2021 of the Petitioners WEGs Nos.079204720144 and make payment for such unit at the appropriate tariff fixed by the 4th Respondent.

PRAYER in W.P.No.25828 of 2021: This Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the 2nd Respondent to grant long term intra state open access approval to the petitioners wing Energy Generators WF. HT.SC. Nos. 079204720394 on the petitioners application dated 23.07.2021 to the 2nd Respondent and consequently direct the 3rd Respondent to execute fresh Energy Wheeling Agreement for the Petitioners wind Energy Generator Nos. 079204720394 under group captive scheme as per the wing Tariff order issued by the 4th respondent TNERC and consequently account for all the generated units from 01/2021 of the



Petitioners WEGs Nos.079204720394 and make payment for such unit at the appropriate tariff fixed by the 4th Respondent.

For Petitioner :Mr.R.S.Pandiyaraj (in all the petitions)

For Respondents :Mr.Abdul Kalam (in all the petitions)
Standing counsel (TNEB)

COMMON ORDER

The issues involved in all the writ petitions are common and hence, they are taken up together, heard and disposed of through this common order.

2. These Writ Petition have been filed directing the 2nd Respondent to grant long term intra state open access approval to the petitioners wing Energy Generators WF. HT.SC. Nos. 079204720104, 079204720126, 079204720143, 079204720144 and 079204720394 respectively on the petitioners application dated 14.06.2021 and 23.07.2021 to the 2nd Respondent and consequently direct the 3rd Respondent to execute fresh Energy Wheeling Agreement for the Petitioners wind Energy Generator Nos. 079204720104, 079204720126, 079204720143, 079204720144 and 079204720394 under group captive scheme as per the wing Tariff order issued by the 4th respondent TNERC and consequently account for all the generated units from 01/2021 of the Petitioners WEGs Nos. 079204720104, 079204720126, 079204720143, 079204720144 and 079204720394 and make payment for such unit at the appropriate tariff fixed by the 4th Respondent.

3. The case of the petitioners is that the petitioners are running the Wind Mill. Due to continued inaction of the respondents 1 to 3 in falling to grant long term intra state open access approval and for change in utility preferential tariff scheme for group captive of the petitioners' wind energy generators of Tirunelveli Circle, the petitioners' sent applications dated 14.06.2021 and 23.07.2021 to the second respondent. Till date, there is no response from the respondents. Therefore, the petitioner has filed the present writ petitions before this court seeking the above prayer.

4. The learned counsel for the petitioners submitted that this Court may issue a direction to the respondents to consider the petitioners applications and pass appropriate orders within a period as stipulated by this Court.

5. The learned Standing Counsel appearing on behalf of the respondents



submitted that the applications of the petitioners dated 14.06.2021 and 23.07.2021 will be considered and orders will be passed on merits and in accordance with law.

6. Heard learned counsel for the petitioners as well as the Government Advocate (Crl side) and perused the materials available on record.

7. Considering the limited request made by the petitioners and the consent view expressed by the respondents, this Court is inclined to direct the respondents to consider the petitioners' applications dated 14.06.2021 and 23.07.2021 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Tamil Nadu Generation and Distribution Corporation Ltd,
TANGEDCO,
10th Floor Eastern wing,
N.P.K.R.R.Maligai,
144 Anna Salai Chennai- 600 002,
Rep by its
chairman and Managing Director.
- 2 The Chief Engineer
Non- Conventional Energy Sources (NCES)
TANGEDCO, 2nd Floor, Eastern wing,
144 Anna Salai Chennai- 600 002.
- 3 The Superintending Engineer
TANGEDCO Tirunelveli Electricity
Distribution Circle, Tirunelveli.



4 Tamil nadu Electricity Regulatory Commission,
6th Floor , SIDCO Corporate Office Building,
Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai,
Rep by its Secretary.

WEB COPY

+3cc to Mr.R.S.Pandiyaraj, Advocate SR.No.66405

W.P.Nos.25808, 25820, 25822, 25825 & 25828 of 2021
and WMP.Nos.27271, 27273, 27294, 27295, 27296,
27297, 27301, 27302, 27306 and 27307 of 2021

EV(CO)
GN(20/01/2022)