



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NOS.25829, 25831 & 25834 OF 2021

1. M/s.Pathi Apparels
8A, Nehru Nagar,
Kumar Nagar East, Tirupur-641 603.
Repd by its Partner Karthy

...Petitioner in W.P.No.25829 of 2021

2. M/s. Victory Eco Power
Block D, Rafflesia, Round Floor,
No.9, Main Road, Kamakotinagar,
Pallikkarana, Chennai- 600 100, Repd by its
Managing Partner D. ARUL MARIA DOSS

...Petitioner in W.P.No.25831 of 2021

3. M/s.Pathi Exports
8 & 8a, Nehru Nagar,
Kumar Nagar East, Tirupur-641 603.
Repd by its Proprietor Parvathi

... Petitioner in W.P.No.25834 of 2021

Vs.

1. Tamilnadu Generation and Distribution
Corporation Ltd, (TANGEDCO),
10th Floor, 144, Anna Salai,
Chennai- 600 002.
Represented by its Chairman
Cum Managing Director.
2. The Chief Engineer, NCES,
TANGEDCO,
2nd Floor,
144, Anna Salai, Chennai-600 002.

... 1 & 2 Respondents in all WP's



3. Tamilnadu Electricity Regulatory Commission
19-A, Rukunilakshmi Pathy Salai,
Egmore, Chennai- 600 008.
Represented by its Secretary.

WEB COPY

... 4th Respondent in 25829/21, 25831/21 & 25834/21

4. The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

... 3rd Respondent in W.P.No.25831 of 2021

5. The Superintending Engineer,
TANGEDCO,
Palladam Electricity Distribution Circle,
Palladam.

... 3rd Respondent in W.P.No.25829 & 25834 of 2021

W.P.No. 25829 of 2021:

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 30.09.2015 for their WEG Nos. 039234392180 and execute fresh Energy Wheeling Agreement under Group Captive Scheme as per the Common Order of the Hon'ble High Court of Judicature at Madras dated 30.08.2019 which has upheld by the Hon'ble Division Bench dated 18.02.2020 and also by the Hon'ble Supreme Court of India dated 24.09.2020 and make outstanding payment of Rs.12,90,008/- 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 the interest at 1% per month for any delay in payments.

W.P.No. 25831 of 2021:

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 04.02.2020 for their WEG Nos. 079214722102 and execute fresh Energy Wheeling Agreement under Group Captive Scheme as per the Common Order of the Hon'ble High Court of Judicature at Madras dated 30.08.2019 which has upheld by the Hon'ble Division Bench



dated 18.02.2020 and also by the Hon'ble Supreme Court of India dated 24.09.2020 and make outstanding payment of Rs. 36,44,429/- to the Petitioner towards the wind energy sold by the petitioner for the period from April February /2020 to September /2021 as per their respective invoices along with the interest at 1% per month for ant delay in payments.

W.P.No. 25834 of 2021:

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 27.09.2009 for their WEG Nos. 039224391458 and execute fresh Energy Wheeling Agreement under Group Captive Scheme as per the Common Order of the Hon'ble High Court of Judicature at Madras dated 30.08.2019 which has upheld by the Hon'ble Division Bench dated 18.02.2020 and also by the Hon'ble Supreme Court of India dated 24.09.2020 and make outstanding payment of Rs.14,28,105/- 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 the interest at 1% per month for ant delay in payments.

For Petitioner : Mr.R.S.Pandiyaraj
in all W.Ps

For Respondents R1 to R3 : Mr.L.Jai Venkatesh
Standing Counsel

For Respondent R4 : No Appearance

O R D E R

The petitioners have filed these writ petitions seeking issuance of Writ of Mandamus to direct the Respondents 1 to 3 to allow the Utility Change from "Sale to Board" to "Group Captive Scheme" for the Petitioner by terminating the existing Wind Energy Purchase Agreement dated 30.09.2015, 04.02.2020 & 27.09.2009 respectively for their WEG No.039234392180, 079214722102 & 039224391458 respectively and to execute fresh Energy Wheeling Agreement under Group Captive scheme as per the Common order of the Hon'ble High Court of Judicature at Madras dated 30.08.2019 which has uphold by the Hon'ble Division Bench dated 18.02.2020 and also by the Hon'ble Supreme Court of India dated 24.09.2020 and make outstanding payment due to the Petitioner towards the wind energy sold by the petitioner as per



their respective invoices till the utility change is effected along with the interest at 1% per month for any delay in payments.

2. Heard learned Counsel for the petitioner and the learned Standing Counsel appearing on behalf of the respondents.

3. The issue involved that has been raised in these 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.

4. It was further confirmed by the Hon'ble Supreme Court by order dated 24.09.2020 in the Special Leave Petition filed by TANGEDCO was dismissed.

5. In view of the above, this Writ Petition is 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.

Consequently, in view of permitting the petitioner to migrate from EPA to EWA, the proceedings dated 20.05.2017 of the 1st respondent deciding not to concede any request for migration is set aside.



WEB COPY

6. Accordingly, the above Writ Petitions are allowed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

skt

To

1. Tamilnadu Generation and Distribution Corporation Ltd, (TANGEDCO),
10th Floor, 144, Anna Salai,
Chennai- 600 002.
Represented by its Chairman
Cum Managing Director.
2. The Chief Engineer, NCES,
TANGEDCO,
2nd Floor,
144, Anna Salai, Chennai-600 002.
3. The Superintending Engineer,
TANGEDCO,
Tirunelveli electricity Distribution Circle,
TIRUNELVELI.
4. Tamilnadu Electricity Regulatory Commission
19-A, Rukunilakshmi Salai,
Egmore, Chennai- 600 008.
Represented by its Secretary.
5. The Superintending Engineer,
TANGEDCO,
Palladam Electricity Distribution Circle,
PALLADAM.

+3ccs to Mr.R.S.Pandiyaraj, Advocate, S.R.No.64641

W.P.No.25829, 25831 & 25834 of 2021

RLD(CO)
PM/11/01/2022