



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos. 25698, 25702 & 25703 of 2021

Shri Om Wind Energy Private Limited,
Represented by its Director,
Mr.V.Saravanan
No.L-4, SIDCO Industrial Estate,
Chennimalai Road,
Erode 638 001.

...Petitioner in all W.Ps

Vs.

1. Tamilnadu Generation and Distribution Corporation Ltd, (TANGEDCO),
Represented by its Chairman and Managing Director
10th Floor, 144, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer, NCES,
TANGEDCO,
2nd Floor, 144, Anna Salai,
Chennai - 600 002. ..Respondents 1 & 2 in all W.Ps
3. The Superintending Engineer,
TANGEDCO,
Palladam Electricity Distribution Circle,
Palladam. ..R3 in W.P. No. 25698/2021
4. The Superintending Engineer
TANGEDCO, Theni Electricity Distribution Circle
Theni ..R3 in W.P. 25702/2021
5. The Superintending Engineer
TANGEDCO, Tirunelveli Electricity Distribution Circle
Tirunelveli ..R3 in W.P. 25703/2021
6. Tamilnadu Electricity Regulatory Commission,
Represented by its Secretary.
19-A, Rukmini Lakshmipathy Salai,
Egmore, Chennai - 600 008.
...4th Respondent in all W.Ps



Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondents R1 to R3 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 24.03.2021 for their Wind Mill bearing present HTSC No.039224391431 and to execute fresh Energy Wheeling Agreement under Group Captive scheme by considering the petitioner's representation dated 18.11.2021 in consonance with Common Order dated 30.08.2019 passed by this Hon'ble Court, which was upheld by the Hon'ble Division Bench of this Hon'ble Court, by its order dated 18.02.2020 and also by the Hon'ble Supreme Court of India by its order dated 24.09.2020 and to consequently make outstanding payment of Rs.6,12,719/- to the Petitioner towards the wind energy sold by them to the respondent / TANGEDCO during the months of September and October 2021 vide their Invoice dated 20.10.2021 and 15.11.2021 respectively along with interest at 1% per month for any delay in payments.

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondents R1 to R3 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 12.02.2018 for their Wind Mill bearing present HTSC No.059224760080 and old WF HT SC No.WES-GA-2-T-51 and to execute fresh Energy Wheeling Agreement under Group Captive scheme by considering the petitioner's representation dated 18.11.2021 in consonance with Common Order dated 30.08.2019 passed by this Hon'ble Court, which was upheld by the Hon'ble Division Bench of this Hon'ble Court, by its order dated 18.02.2020 and also by the Hon'ble Supreme Court of India by its order dated 24.09.2020 and to consequently make outstanding payment of Rs.10,81,014/- to the Petitioner towards the wind energy sold by them to the respondent / TANGEDCO during the months of September and October 2021 vide their Invoice dated 06.10.2021 and 06.11.2021 respectively along with interest at 1% per month for any delay in payments.

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondents R1 to R3 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 09.06.2017 for their Wind Mill bearing present HTSC No.079224722781 and old WEG HT SC No.2781 and to execute fresh Energy Wheeling Agreement under Group Captive scheme by considering the petitioner's



representation dated 18.11.2021 in consonance with Common Order dated 30.08.2019 passed by this Hon'ble Court, which was upheld by the Hon'ble Division Bench of this Hon'ble Court, by its order dated 18.02.2020 and also by the Hon'ble Supreme Court of India by its order dated 24.09.2020 and to consequently make outstanding payment of Rs.12,80,521/- to the Petitioner towards the wind energy sold by them to the respondent / TANGEDCO during the months of September and October 2021 vide their Invoice dated 12.10.2021 and 12.11.2021 respectively along with interest at 1% per month for any delay in payments.

For Petitioners : Mr.S.Senthil
in all W.Ps

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel for TANGEDCO
in all W.Ps

O R D E R

The petitioner has filed these writ petitions seeking issuance of Writ of Mandamus to direct the Respondents R1 to R3 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 24.03.2021, 12.02.2018 & 09.06.2017 respectively for their Wind Mill bearing present HTSC No.039224391431, 059224760080 & 079224722781 respectively and to execute fresh Energy Wheeling Agreement under Group Captive scheme by considering the petitioner's representation dated 18.11.2021 and to consequently make outstanding payments respectively to the Petitioner towards the wind energy sold by them to the respondent / TANGEDCO during the months of September and October 2021 vide respective Invoice along with 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.

WEB COPY

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.

6. Accordingly, these Writ Petitions are allowed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

SKT

To

1. The Chairman and Managing Director
Tamilnadu Generation and Distribution
Corporation Ltd, (TANGEDCO),
10th Floor, 144, Anna Salai,
Chennai - 600 002.

2. The Chief Engineer, NCES,
TANGEDCO,
2nd Floor, 144, Anna Salai,
Chennai - 600 002.



WEB COPY

3. The Superintending Engineer,
TANGEDCO,
Palladam Electricity Distribution Circle,
Palladam.
4. The Secretary.
Tamilnadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmipathy Salai,
Egmore, Chennai - 600 008.
5. The Superintending Engineer,
TANGEDCO,
Theni Electricity Distribution Circle,
Theni
6. The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli

+3 Ccs to Mr.S.Senthil, Advocate sr 64082, 64083, 64084

W.P.Nos. 25698, 25702 & 25703 of 2021

GJ(CO)
SP(04/01/2022)