



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NOS.26182, 26186 & 26188 OF 2021

W.P.No.26182 of 2021:

Venkatrama Poultries P Ltd
WF HTSC No. 039224320161 5-87- 39/1
Main Road, Lakshmi Puram, Guntur- 522 007,
Repd by its Authorised Signatory,
Paruchuri Venkata Rao.

...Petitioner

Vs

1. Tamilnadu Generation and Distribution Corporation Ltd,
(TANGEDCO) 10th Floor, 144 Anna Salai,
Chennai- 600 002
Rep 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, Coimbatore Electricity,
Distribution Circle / South, Coimbatore.
4. Tamilnadu Electricity Regulatory Commission,
19-A RukminiLakshmipathiSalai, Egmore, Chennai.
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 Agreement dated 04. 08. 2020 for their WEG Nos. 039224320161 and Execute fresh Energy Wheeling Agreement under Group Captive Scheme as per the Common order of the Honble High Court of Judicature at Madras dated 30.08.2019 which was upheld by the Honble Division Bench dated



18.02.2020 and also by the Honble Supreme Court of India dated 24.09.2020 and make outstanding payment to the petitioner towards the wind energy sold by the Petitioner for the period from January / 2020 to till date as per their respective invoices along with interest at 1 percent month for any delay in payments.

W.P.No.26186 of 2021:

M/s.ARRAHMAN WING ENERGY PVT LTD
WEG NO. 079224723099
NO.45 Janakirammal Layout, First Floor,
Erode- 638003,
Repd by its Director S.Mohammed Meera.

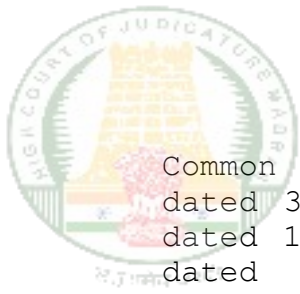
...Petitioner

Vs

1. Tamilnadu Generation and Distribution Corporation Ltd
(TANGEDCO) 10th Floor 144 Anna Salai,
Chennai- 600 002 Rep
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
RukminiLakshmipathiSalai, Egmore,
Chennai- 600 008 Rep by its Secretary.
5. Director of Finance,
Tamil Nadu Generation and Distribution
Corporation Limited 144 Anna Salai Chennai-
600 002.

...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 02.05.2018 for their WEG Nos. 079224723099 and Execute fresh Energy Wheeling Agreement under Group Captive Scheme as per the



Common order of the Honble High Court of Judicature at Madras dated 30.08.2019 which was upheld by the Honble Division Bench dated 18.02.2020 and also by the Honble Supreme Court of India dated 24.09.2020 and make payment of the outstanding dues payable to the petitioner towards the wind energy sold by the Petitioner till the date of the termination of the EPA dated 02.05.2018 as per their respective invoices along with interest at 1 percent month for any delay in payments.

W.P.No.26188 of 2021:

Venkatrama Poultries P Ltd
5-87- 39/1
Main Road, Lakshmi Puram, Guntur- 522 007,
Repd by its Authorised Signatory,
Paruchuri Venkata Rao.

...Petitioner

Vs

1. Tamilnadu Generation and Distribution Corporation Ltd,
(TANGEDCO) 10th Floor, 144 Anna Salai,
Chennai- 600 002
Rep 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, Palladam Electricity,
Distribution Circle, Palladam.
4. Tamilnadu Electricity Regulatory Commission,
19-A RukminiLakshmipathiSalai, Egmore, Chennai.
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 all dated 19.04.2014 for their WEG Nos. 039114391873 (old No.UGA 12) 039224391875 (Old No. UGA.14) 039224391876 (Old No. UGA15) and 039224391877 (Old No. UGA.16) and execute fresh Energy Wheeling Agreement under Group Captive Scheme as per the Common order of the Honble High Court of Judicature at Madras dated 30.08.2019



which was upheld by the Honble Division Bench dated 18.02.2020 and also by the Honble Supreme Court of India dated 24.09.2020 and make outstanding payment to the petitioner towards the wind energy sold by the Petitioner for the period from January / 2020 to till date as per their respective invoices along with interest at 1 percent 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.27182 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 Agreement dated 04. 08. 2020 for their WEG Nos. 039224320161 and Execute fresh Energy Wheeling Agreement under Group Captive Scheme as per the Common order of the Honble High Court of Judicature at Madras dated 30.08.2019 which was upheld by the Honble Division Bench dated 18.02.2020 and also by the Honble Supreme Court of India dated 24.09.2020 and make outstanding payment to the petitioner towards the wing energy sold by the Petitioner for the period from January / 2020 to till date as per their respective invoices along with interest at 1 percent month for any delay in payments.

2. W.P.No.26186 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 02.05.2018 for their WEG Nos. 079224723099 and Execute fresh Energy Wheeling Agreement under Group Captive Scheme as per the Common order of the Honble High Court of Judicature at Madras dated 30.08.2019 which was upheld by the Honble Division Bench dated 18.02.2020 and also by the Honble Supreme Court of India dated 24.09.2020 and make payment of the outstanding dues payable to the petitioner towards the wind energy sold by the Petitioner till the date of the termination of the EPA dated 02.05.2018 as per their respective invoices along with interest at 1 percent month for any delay in payments.



3. W.P.No.26188 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 all dated 19.04.2014 for their WEG Nos. 039114391873 (old No.UGA 12) 039224391875 (Old No. UGA.14) 039224391876 (Old No. UGA15) and 03922439187 (Old No. UGA.16) and execute fresh Energy Wheeling Agreement under Group Captive Scheme as per the Common order of the Honble High Court of Judicature at Madras dated 30.08.2019 which was upheld by the Honble Division Bench dated 18.02.2020 and also by the Honble Supreme Court of India dated 24.09.2020 and make outstanding payment to the petitioner towards the wing energy sold by the Petitioner for the period from January / 2020 to till date 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. Tamilnadu Generation and Distribution Corporation Ltd, (TANGEDCO),
10th Floor, 144, Anna Salai,
Chennai-600 002,
Representation 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, Coimbatore Electricity,
Distribution Circle / South, Coimbatore.
4. Tamilnadu Electricity Regulatory Commission
19-A, RukuminiLakshmipathy Salai,
Egmore, Chennai-600 008.
Rep by its Secretary.
5. The Director Finance
Tamil nadu Generation and Distribution
Corporation Limited, 144 Anna Salai Chennai 02.
6. The Superintending Engineer,
TANGEDCO, Tirunelveli Electricity,
Distribution Circle, Tirunelveli.
7. The Superintending Engineer,
TANGEDCO, Palladam Electricity Distribution
Circle, Palladam.

+3ccs to Mr.R.S.Pandiaraj, Advocate, S.R.No.65655

W.P.Nos.26182, 26186 & 26188 of 2021

RSV(CO)
RLP(10/01/2022)