



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.26130, 26132 & 26136 of 2021

W.P.No.26130 of 2021:

M/s.Premier Wind Farms
WEG No. 2878 284/1B,
Old Mahabalipuram Road,
Kottivakkam Chennai 600096,
Rep by its Manager N.Manickam.

...Petitioner

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.
- 3 THE SUPERINTENDING ENGINEER,
TANGEDCO, Tirunelveli electricity
Distribution Circle Tirunelveli.
- 4 Tamilnadu Electricity Regulatory Commission,
19-A RukuminiLakshmipathySalai Egmore,
Chennai 600008. Represented by its Secretary.
- 5 DIRECTOR 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 15.04.2017 for their WEG Nos. 2878 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



30.08.2019 which was upheld by the Honourable Division Bench dated 18.02.2020 and also by the Honourable 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 15.04.2017 as per their respective invoices along with interest at 1% per month for any delay in payments.

W.P.No.26132 of 2021:

SHEELA CLINIC
No.117 (Old No.46) East Power House Road
Coimbatore 641 012
repd by its Partner B.P.Ganapathi.

.....Petitioner

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.
- 3 THE SUPERINTENDING ENGINEER,
TANGEDCO, Palladam electricity Distribution
Circle, PALLADAM.
- 4 Tamilnadu Electricity Regulatory Commission,
19-A RukuminiLakshmipathySalai, Egmore,
Chennai 600008. Represented 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 23.10.2017 for their WEG Nos. 039224392047 (old No.UGA 92) and execute fresh Energy Wheeling Agreement under third party sale as per the Common Order of the Honourable High Court of Judicature at Madras dated 30.08.2019 which was upheld by the Honourable Division Bench dated 18.02.2020 and also by the Honourable Supreme Court of India dated 24.09.2020 and make outstanding payment of Rs.55 01 684/- to the petitioner towards the wind energy sold by the petitioner for the period from



June/2020 to July 2021 as per their respective invoices along with interest at 1% per month for any delay in payments.

W.P.No.26136 of 2021:

MANI NAGGAPPA MOTORS MADURAI (P) LTD
WF HTSC No.039234392144
(Old No. TZA42),
No.10 Deputy Collector Colony Road
KK Nagar Madurai,
20 Repd. by its Managing Director M.Somu.

.....Petitioner

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.
- 3 THE SUPERINTENDING ENGINEER,
TANGEDCO, Palladam electricity Distribution Circle, PALLADAM.
- 4 Tamilnadu Electricity Regulatory Commission,
19-A RukuminiLakshmipathySalai, Egmore,
Chennai 600008. Represented 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 28.09.2012 for their WEG Nos. 039234392144 (old No.TZA42) and execute fresh Energy Wheeling Agreement under third party sale as per the Common Order of the Honourable High Court of Judicature at Madras dated 30.08.2019 which was upheld by the Honourable Division Bench dated 18.02.2020 and also by the Honourable Supreme Court of India dated 24.09.2020 and make outstanding payment of Rs.30 46 478/- to the petitioner towards the wind energy sold by the petitioner for the period from March/2018 to till date as per their respective invoices along with interest at 1% per month for any delay in payments.



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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.26130 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 15.04.2017 for their WEG Nos. 2878 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 30.08.2019 which was upheld by the Honourable Division Bench dated 18.02.2020 and also by the Honourable 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 15.04.2017 as per their respective invoices along with interest at 1% per month for any delay in payments.

2. W.P.No.26132 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 23.10.2017 for their WEG Nos. 039224392047 (old No.UGA 92) and execute fresh Energy Wheeling Agreement under third party sale as per the Common Order of the Honourable High Court of Judicature at Madras dated 30.08.2019 which was upheld by the Honourable Division Bench dated 18.02.2020 and also by the Honourable Supreme Court of India dated 24.09.2020 and make outstanding payment of Rs.55 01 684/- to the petitioner towards the wind energy sold by the petitioner for the period from June/2020 to July 2021 as per their respective invoices along with interest at 1% per month for any delay in payments.

3. W.P.No.26136 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 28.09.2012 for their WEG Nos. 039234392144 (old No.TZA42) and execute fresh Energy Wheeling Agreement under third party sale as per the Common Order of the Honourable High Court of Judicature at Madras dated 30.08.2019 which was upheld by the Honourable Division Bench dated 18.02.2020 and also by the Honourable Supreme Court of India dated 24.09.2020 and make



outstanding payment of Rs.30 46 478/- to the petitioner towards the wind energy sold by the petitioner for the period from March/2018 to till date as per their respective invoices along with interest at 1% per month for any delay in payments.

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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. These Writ Petitions are allowed accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar



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To

WEB COPY

- 1 The Chairman cum 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.
- 3 THE SUPERINTENDING ENGINEER,
TANGEDCO,
Tirunelveli electricity Distribution Circle Tirunelveli.
- 4 The Secretary,
Tamilnadu Electricity Regulatory Commission,
19-A RukuminiLakshmipathySalai Egmore,
Chennai 600008.
- 5 THE DIRECTOR FINANCE,
Tamil Nadu Generation and Distribution
Corporation Limited,
144 Anna Salai,
Chennai 600 002.
6. THE SUPERINTENDING ENGINEER,
TANGEDCO, Palladam electricity Distribution
Circle, PALLADAM.

+3ccs to Mr.R.S.Pandiaraj, Advocate, S.R.No.65656

W.P.Nos.26130, 26132 & 26136 of 2021

CA[co]
NSK 20/01/2022