



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 13.12.2021
CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WEB COPY

W.P.Nos.26385, 26391, 26394 and 26398 of 2021

M/s.ARN Green Power LLP,
WEG No.079224723296
No.15, Marapalam Road, III Cross,
Opp. Rathna Gas Godown,
KAS Nagar, Karungalpalayam,
Erode - 638 003,
rep. by its Partner,
K.Syed Mustafa ... Petitioner in W.P.No.26385 of 2021

M/s.ALSHIFA Renew Energy Pvt. Ltd.,
WEG No.079224723100
No.93, Janagiammal Layout,
Karungalpalayam,
Erode - 638 003,
rep. by its Director,
Haseena Banu, H. ... Petitioner in W.P.No.26391 of 2021

M/s.ARRAHMAN Wind Energy Pvt. Ltd.,
WEG No.079224722798
No.45, Janakiammal Layout,
First Floor, Erode - 638 003,
rep. by its Director,
S.Mohammed Meera ... Petitioner in W.P.No.26394 of 2021

Venkatrama Poultries Pvt. Ltd.,
5-87-39/1, Main Road,
Lakshmipuram,
Guntur - 522 007
rep. by its Authorized Signatory,
Paruchuri Venkata Rao ... Petitioner in W.P.No.26398 of 2021

vs.

Tamil Nadu Generation and Distribution
Corporation Ltd. (TANGEDCO),
10th Floor, 144, Anna Salai,
Chennai 600 002
rep. by its Chairman
cum Managing Director. ... 1st Respondent in all W.Ps.



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

...2nd Respondent in all W.Ps.

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

... 3rd Respondent in W.P.Nos.26385, 26391 & 26394/2021

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

... 3rd Respondent in W.P.No.26398 of 2021

Tamil Nadu Electricity Regulatory Commission,
19-A, Rukamani Lakshmipathy Salai,
Egmore, Chennai 600 008,

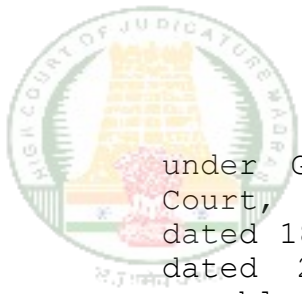
represented by its Secretary. ... 4th Respondent in all W.Ps.

The Director - Finance,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai, Chennai 600 002.

...5th Respondent in W.P.Nos.26385, 26391 & 26394 of 2021

Writ Petition No.26385 of 2021 filed under Article 226 of the Constitution of India praying for the 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 01.08.2019 for their WEG No.079224723296 and execute fresh Energy Wheeling Agreement under Group Captive Scheme as per the common order of this Court, dated 30.08.2019 which was upheld by the Division Bench dated 18.02.2020 and also by the Hon'ble 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 termination of the EPA dated 01.08.2019 as per their respective invoices along with interest at 1% per month for any delay in payments.

Writ Petition No.26391 of 2021 filed under Article 226 of the Constitution of India praying for the 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 06.07.2018 for their WEG No.079224723100 and execute fresh Energy Wheeling Agreement



under Group Captive Scheme as per the common order of this Court, dated 30.08.2019 which was upheld by the Division Bench dated 18.02.2020 and also by the Hon'ble 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 termination of the EPA dated 06.07.2018 as per their respective invoices along with interest at 1% per month for any delay in payments.

Writ Petition No.26394 of 2021 filed under Article 226 of the Constitution of India praying for the 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 04.05.2018 for their WEG No.079224722798 and execute fresh Energy Wheeling Agreement under Group Captive Scheme as per the common order of this Court, dated 30.08.2019 which was upheld by the Division Bench dated 18.02.2020 and also by the Hon'ble 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 termination of the EPA dated 04.05.2018 as per their respective invoices along with interest at 1% per month for any delay in payments.

Writ Petition No.26398 of 2021 filed under Article 226 of the Constitution of India praying for the 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 30.07.2020 for their WEG Nos.039224391527, 039224391566, 039224391504, 039224391503 and 039224391631 and execute fresh Energy Wheeling Agreement under Group Captive Scheme as per the common order of this Court, dated 30.08.2019 which was upheld by the Division Bench dated 18.02.2020 and also by the Hon'ble 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 till date as per the their respective invoices along with interest at 1% per month for any delay in payments.

For Petitioner in all W.Ps : Mr.R.S.Pandiyaraj
For Respondents in all W.Ps. : Mr.Abul Kalam,
Standing Counsel

C O M M O N O R D E R

As the issue involved in all these Writ Petitions is one and the same, cases are taken up for disposal by a common order.

2. Petitioners have come up with the above Writ Petitions seeking a direction to the 1st, 2nd and 3rd Respondents to allow



Utility Change to them by terminating the existing Energy Purchase Agreements and execute fresh Energy Wheeling Agreement under Group Captive Scheme as per the common order of this Court, dated 30.08.2019, which was upheld by the Division Bench by a judgment dated 18.02.2020 and also by the Hon'ble Supreme Court of India by an order dated 24.09.2020 and make outstanding payment to them towards the wind energy sold by them as per their respective invoices along with interest at 1% per month for any delay in payments.

3. Heard the learned counsel on either side and perused the material documents available on record.

4. The issue involved in the present Writ Petition is covered by an earlier order dated 30.08.2019 passed by this Court in a batch of Writ Petitions in W.P.Nos.5196, 11725, 8459 and 8463 of 2019 and W.P.Nos.6694 and 1275 of 2018 and the said order was subsequently confirmed by the First Bench of this Court in W.A.Nos.4189, 4194, 4197, 4201, 4204 and 4205 of 2019, by a judgment dated 18.02.2020. The said judgment was also confirmed by the Hon'ble Supreme Court by an order dated 24.09.2020, dismissing the Special Leave Petition filed by TANGEDCO.

5. In view of the above, Respondents/TANGEDCO are directed to permit the Petitioners to switch over to captive consumption/group captive consumption/third party sale, as the case may be, as per the request made by them. Respondents/TANGEDCO are further directed to settle the respective dues to the Petitioners as per the respective invoices raised by them, along with interest as per clause 6(b) of the Agreement, within a period of four months from the date of receipt of a copy of this order.

Writ Petitions are disposed of accordingly. No costs.

Sd/-

Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Chairman cum Managing Director,
Tamil Nadu 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 Superintending Engineer,
TANGEDCO,
Palladam Electricity Distribution Circle,
Palladam.
5. The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukamani Lakshmipathy Salai,
Egmore,
Chennai 600 008,
6. The Director - Finance,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai 600 002.

+4 ccs to Mr.R.S.Pandiyaraj, Advocate Sr.NO. 66407

W.P.Nos.26385, 26391, 26394
and 26398 of 2021

RK(CO)
A.SK(03.01.2022)