



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.27680, 27682, 27684, 27695,
27696, 27700 & 27701 of 2021

W.P.No.27680 of 2021:

M/s.Arul Steels

Weg No.079204720472 (Old No. 472) N 49-A,
Ramaya colony 1st street p.N. Road, Tirupur,
641 602 Repd by its Partner,
Mr Venkatachalam.

.....Petitioner

1 AVR Swarna Mahal Jewellery P
Ltd WEG No. 07921421980 251-A Omalur Main
Road Swarnapuri Salem-636 004 Repd by its
Joint Managing Director A.B.S.Sanjjay

..Petitioner W.P.Nos.27682 of 2021

1 M/s.Raju and CO WEG No.07920
4721309 N.50-A Ramaya colony 1st street
P.N.Road Tirupur-641 602 Repd by its
Partner Mr.Govindaraj

..Petitioner W.P.Nos.27684 of 2021

1 AVR Swarna Mahal Jewellery P
Ltd WEG No. 07921422386 251-A Omalur Main
Road Swarnapuri Salem-636 004 Repd by its
Joint Managing Director A.B.S.Sanjjay

..Petitioner W.P.Nos.27695 of 2021

1 M/s. Hibah Renewable Energie
s Private Limited No. 67/6 East of Tower
Tower Junction Nagercoil 629 001 Repd by its
Director Mohamed Sirajudeen

..Petitioner W.P.Nos.27696 of 2021

1 AVR Swarna Mahal
WEG No. 059214500092 251-A Omalur Main Road
Swarnapuri Salem-636 004 Repd by its Joint
Managing Director A.B.S.Sanjjay

..Petitioner W.P.Nos.27700 of 2021



1 M/s. J.M.I Leathers
No. 254 Marapalayam Road 2 KAS nagar
Karungalpalayam Erode Distirct 638 003 repd.
by its proprietor M. Kader Mohideen

WEB COPY

..Petitioner W.P.Nos.27701 of 2021
Vs

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,
Tirunelveli electricity Distribution Circle,
Tirunelveli.
4. Tamilnadu Electricity Regulatory Commission
19-A, RukuminiLakshmipathy Salai,
Egmore, Chennai-600 008.
Rep by its Secretary
5. Director Finance
Tamil nadu Generation and Distribution
Corporation Limited, 144 Anna Salai Chennai 02.

....Respondents

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,
Tirunelveli electricity Distribution Circle,
Tirunelveli.



4. Director Finance
Tamil nadu Generation and Distribution
Corporation Limited, 144 Anna Salai Chennai 02.

..Respondent W.P.Nos.27682 of 2021

WEB COPY

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,
Tirunelveli electricity Distribution Circle,
Tirunelveli.
4. Tamilnadu Electricity Regulatory Commission
19-A, RukuminiLakshmipathy Salai,
Egmore, Chennai-600 008.
Rep by its Secretary
5. Director Finance
Tamil nadu Generation and Distribution
Corporation Limited, 144 Anna Salai Chennai 02.

..Respondent W.P.Nos.27684 of 2021

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,
Tirunelveli electricity Distribution Circle,
Tirunelveli.



4. Director Finance
Tamil nadu Generation and Distribution
Corporation Limited, 144 Anna Salai Chennai 02.

..Respondent W.P.Nos.27695 of 2021

WEB COPY

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,
Tirunelveli electricity Distribution Circle,
Tirunelveli.
4. Tamilnadu Electricity Regulatory Commission
19-A, RukuminiLakshmipathy Salai,
Egmore, Chennai-600 008.
Rep by its Secretary
5. Director Finance
Tamil nadu Generation and Distribution
Corporation Limited, 144 Anna Salai Chennai 02.

..Respondent W.P.Nos.27696 of 2021

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,
Tirunelveli electricity Distribution Circle,
Tirunelveli.



4. Director Finance
Tamil nadu Generation and Distribution
Corporation Limited, 144 Anna Salai Chennai 02.

WEB COPY

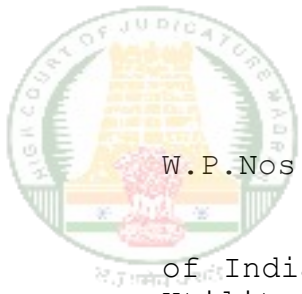
.. Respondent W.P.Nos.27700 of 2021

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,
Tirunelveli electricity Distribution Circle,
Tirunelveli.
4. Tamilnadu Electricity Regulatory Commission
19-A, RukuminiLakshmipathy Salai,
Egmore, Chennai-600 008.
Rep by its Secretary
5. Director Finance
Tamil nadu Generation and Distribution
Corporation Limited, 144 Anna Salai Chennai 02.

.. Respondent W.P.Nos.27701 of 2021

PRAYER in :

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 13.03.2017 for their WEG Nos. 079204720472 (Old No. 472) 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 13.03.2017 as per their respective invoices along with interest at 1% per month for any delay in payments.



W.P.Nos.27682 of 2021

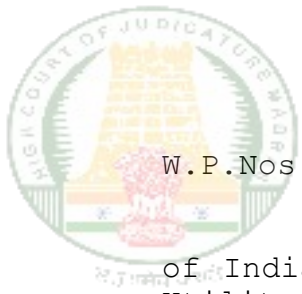
Petition filed under Article 226 of the Constitution of India directing the 1st 2nd and 3rd Respondents to allow the Utility change to the petitioner by terminating the existing Energy Purchase Agreements dated 19.03.2018 for their WEG Nos. 07921421980 and execute fresh Energy Wheeling Agreement under Group captive or third party sale 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 19.03.2018 as per their respective invoices along with interest at 1 % per month for any delay in payments.

W.P.Nos.27684 of 2021

Petition filed under Article 226 of the Constitution of India directing the 1st 2nd and 3rd Respondents to allow the Utility change to the petitioner by terminating the existing Energy Purchase Agreements dated 4.6.2005 for their WEG Nos. 079204721309 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 Honbel 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 4.6.2005 as per their respective invoices along with interest at 1% per month for any delay in payments.

W.P.Nos.27695 of 2021

Petition filed under Article 226 of the Constitution of India directing the 1st 2nd and 3rd Respondents to allow the Utility change to the petitioner by terminating the existing Energy Purchase Agreements dated 19.03.2018 for their WEG Nos. 07921422386 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 19.03.2018 as per their respective invoices along with interest at 1% per month for any delay in payments.



W.P.Nos.27696 of 2021

Petition filed under Article 226 of the Constitution of India 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 Nos. 079224723297 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 01.08.2019 as per their respective invoices along with interest at 1% per month for any delay in payments.

W.P.Nos.27700 of 2021

Petition filed under Article 226 of the Constitution of India directing the 1st 2nd and 3rd Respondents to allow the Utility change to the petitioner by terminating the existing Energy Purchase Agreements dated 04.04.2009 for their WEG Nos. 059214500092 and execute fresh Energy Wheeling Agreement under Group captive or third party sale 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 04.04.2009 as per their respective invoices along with interest at 1% per month for any delay in payments.

W.P.Nos.27701 of 2021

Petition filed under Article 226 of the Constitution of India directing the 1st 2nd and 3rd Respondents to allow the Utility change to the petitioner by terminating the existing Energy Purchase Agreements dated 18.10.2019 for their WEG Nos. 079224723324 and execute fresh Energy Wheeling Agreement under third party sale 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 18.10.2019 as per their respective invoices along with interest at 1 % per month for any delay in payments.



For petitioners : Mr. R. S. Pandiaraj

For Respondents : Mr. Abul kalam
Standing Counsel

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COMMON ORDER

W.P.No.27680 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 13.03.2017 for their WEG Nos. 079204720472 (Old No. 472) 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 13.03.2017 as per their respective invoices along with interest at 1% per month for any delay in payments.

2. W.P.No.27682 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 19.03.2018 for their WEG Nos. 07921421980 and execute fresh Energy Wheeling Agreement under Group captive or third party sale 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 19.03.2018 as per their respective invoices along with interest at 1% per month for any delay in payments.

3. W.P.No.27684 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 4.6.2005 for their WEG Nos. 079204721309 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 4.6.2005 as per their respective invoices along with interest



at 1% per month for any delay in payments.

4. W.P.No.27695 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 19.03.2018 for their WEG Nos. 07921422386 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 19.03.2018 as per their respective invoices along with interest at 1% per month for any delay in payments.

5. W.P.No.27696 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 01.08.2019 for their WEG Nos. 079224723297 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 01.08.2019 as per their respective invoices along with interest at 1% per month for any delay in payments.

6. W.P.No.27700 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 04.04.2009 for their WEG Nos. 059214500092 and execute fresh Energy Wheeling Agreement under Group captive or third party sale 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 04.04.2009 as per their respective invoices along with interest at 1% per month for any delay in payments.

7. W.P.No.27701 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 18.10.2019 for their WEG Nos. 079224723324 and execute fresh Energy Wheeling Agreement under third party sale 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 18.10.2019 as per their respective invoices along with interest at 1% per month for any delay in payments.

8. Heard Mr.R.S.Pandiyaraj, learned Counsel appearing for the petitioners and Mr.M.Abdul Kalam, learned Standing Counsel appearing on behalf of the respondents.

9. 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.

10. 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.

11. 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.

12. 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.



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13. The Writ Petitions are allowed accordingly. No costs.

Sd/-
Assistant Registrar (CS IX)

//True Copy//

Sub Assistant Registrar

rli

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,
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Tirunelveli electricity Distribution Circle,
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4. Tamilnadu Electricity Regulatory Commission
19-A, RukuminiLakshmipathy Salai,
Egmore, Chennai-600 008.
Rep by its Secretary
5. Director Finance
Tamil nadu Generation and Distribution
Corporation Limited, 144 Anna Salai Chennai 02.
6. The Superintending Engineer,
TANGEDCO,
Dindigul electricity Distribution Circle,
Dindigul.

+7cc to Mr. R. S. Pandiaraj, Advocate, S.R.No.69246

W.P.Nos.27680, 27682, 27684, 27695,
27696, 27700 & 27701 of 2021

SSV(CO)
CT 10/01/2022