



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.27824, 27829, 27830, 27832, 27834, 27835 & 27836 of 2021

M/s.Raju and Co. WEG No.039

224391335 N.50-A Ramaya Colony 1st Street

P.N.Road Tirupur- 641 602 Repd by its

Authorized Signatory Mr.Govindaraj.

...Petitioner in W.P.No.27824 of 2021

AVR Swarna Mahal Jewellery P Ltd

WEG No. 07921422385 251-A Omalur Main

Road Swarnapuri Salem- 636 004 Repd by its

Joint Managing Director A.B.S.Sanjjay.

...Petitioner in W.P.No.27829 of 2021

M/s.Raju and Co.

WEG No.039 224391346

N.50-A Ramaya Colony, 1st Street,

P.N.Road Tirupur- 641 602

Repd by its Authorized Signatory

Mr.Govindaraj.

...Petitioner in W.P.No.27830 of 2021

M/s.Maharaja Wind Energy

WEG No.079214722340 44/4 Mela Mada Veehi

Panagudi- 627 109 Tirunelveli District Repd

by its Proprietor Mr.V.Amutha

...Petitioner in W.P.No.27832 of 2021

M/s.Raju and Co.

WEG No.039 224391343

N.50-A Ramaya Colony, 1st Street

P.N.Road Tirupur- 641 602 Repd by its

Authorized Signatory Mr.Govindaraj.

...Petitioner in W.P.No.27834 of 2021

Sree Santhosh Garments

W.F.H.T.S.C.No. 276

No.7 Cotton Mills Street,

P.N.Road Tirupur- 641602

Repd By its Partner C.Rajiv Kumar

...Petitioner in W.P.No.27835 of 2021



M/s.Raju and Co.

WEG No.039 224391337

N.50-A Ramaya Colony,

1st Street, P.N.Road,

Tirupur- 641 602

Repd by its Authorized Signatory

Mr.Govindaraj.

...Petitioner in W.P.No.27836 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,

Palladam Electricity Distribution Circle,

Palladam.

4. Tamilnadu Electricity Regulatory Commission

19-A, RukuminiLakshmipathy Salai,

Egmore, Chennai-600 008.

Rep by its Secretary

5. DIRECTOR OF FINANCE

Tamilnadu Generation and Distribution

Corporation Limited,

144, Anna Salai, Chennai 600 002.

...Respondents in W.P.No.27824 of 2021

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.



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

4. DIRECTOR OF FINANCE,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai, Chennai- 600 002.

...Respondents in W.P.No.27829 of 2021

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 Rukuminilakshmipathy Salai,
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 in W.P.No.27830 of 2021

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.



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

...Respondents in W.P.No.27832 of 2021

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 Regula tory Commission,
19-A, Rukuminilakshmipathy Salai,
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 in W.P.No.27834 of 2021

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



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

3. The Superintending Engineer
TANGEDCO,
Tuticorin Electricity Distribution Circle,
Tuticorin.

4. The Secretary,
Tamilnadu Electricity Regulatory Commission,
19-A, Rukuminilakshmipathy Salai,
Egmore, Chennai- 600 008.

...Respondents in W.P.No.27835 of 2021

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, Rukuminilakshmipathy Salai,
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 in W.P.No.27836 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 27.03.2012 for their WEG Nos. 039224391335 (Old No. 1625) 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 27.03.2012 as per their respective invoices along with interest at 1% per month for any delay in payments.

Prayer in W.P.No.27829 of 2021 : 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.07921422385 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 payment.

Prayer in W.P.No.27830 of 2021 : Directing the 1st 2nd and 3rd Respondents to allow the Utility change to the petitioner by terminating the existing Energy Purchase Agreements dated 27.03.2012 for their WEG Nos. .039224391346(Old No. 1627) 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 27.03.2012 as per their respective invoices along with interest at 1% per month for any delay in payments.

Prayer in W.P.No.27832 of 2021 : Directing the 1st 2nd and 3rd Respondents to allow the Utility change to the petitioner by terminating the existing Energy Purchase Agreements dated 03.11.2020 for their WEG Nos.079214722340 and execute fresh Energy Wheeling Agreement under Third party 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 03.11.2020 as per their respective invoices along with interest at 1% per month for any delay in payments.

Prayer in W.P.No.27834 of 2021 : Directing the 1st 2nd and 3rd Respondents to allow the Utility change to the petitioner by terminating the existing Energy Purchase Agreements dated 27.03.2012 for their WEG Nos.039224391343 (Old No. 1634) 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 27.03.2012 as per their respective invoices along with interest at 1% per month for any delay in payments.

Prayer in W.P.No.27835 of 2021 : Directing the 1st 2nd and 3rd Respondents to allow the Utility change to the petitioner by terminating the existing Energy Purchase Agreements dated 28.09.2016 respectively and execute fresh Energy Wheeling Agreement for their own captive consumption at their HTSC No. 039094320842 of the energy generated in Petitioners WF HTSC No. 276 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 28.09.2016 as per their respective invoices along with interest at 1% per month for any delay in payments.

Prayer in W.P.No.27836 of 2021 : 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 27.03.2012 for their WEG Nos.039224391337(Old No. 1637) 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 27.03.2012 as per their respective invoices along with interest at 1% per month for any delay in payments.



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For petitioners in all the WP's : Mr. R. S. Pandiaraj

For Respondents in all the WP's : Mr. Abul kalam
Standing Counsel for
Electricity

COMMON ORDER

W.P.No.27824 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 27.03.2012 for their WEG Nos. 039224391335 (Old No. 1625) 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 27.03.2012 as per their respective invoices along with interest at 1% per month for any delay in payments.

2. W.P.No.27829 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. 07921422385 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.27830 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 27.03.2012 for their WEG Nos. 039224391346(Old No. 1627) 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 27.03.2012 as per their respective invoices



along with interest at 1% per month for any delay in payments.

4. W.P.No.27832 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 03.11.2020 for their WEG Nos. 079214722340 and execute fresh Energy Wheeling Agreement under Third party 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 03.11.2020 as per their respective invoices along with interest at 1% per month for any delay in payments.

5. W.P.No.27834 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 27.03.2012 for their WEG Nos. 039224391343 (Old No. 1634) 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 27.03.2012 as per their respective invoices along with interest at 1% per month for any delay in payments.

6. W.P.No.27835 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 28.09.2016 respectively and execute fresh Energy Wheeling Agreement for their own captive consumption at their HTSC No. 039094320842 of the energy generated in Petitioners WF HTSC No. 276 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 8.09.2016 as per their respective invoices along with interest at 1% per month for any delay in payments.



7. W.P.No.27836 of 2021 has been filed this Writ petition 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 27.03.2012 for their WEG Nos. 039224391337(Old No. 1637) 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 27.03.2012 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 are 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.

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

Sd/-
Assistant Registrar (CS-CCC)

//True copy//

Sub Assistant Registrar

rli

To

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,
Palladam Electricity Distribution Circle,
Palladam.
4. The Secretary
Tamilnadu Electricity Regulatory Commission
19-A, RukuminiLakshmipathy Salai,
Egmore, Chennai-600 008.
5. DIRECTOR OF FINANCE
Tamilnadu Generation and Distribution
Corporation Limited,
144 Anna Salai Chennai 600 02.



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

7. The Superintending Engineer
TANGEDCO,
Tuticorin Electricity Distribution Circle,
Tuticorin.

+7ccs to Mr.R. S. Pandiaraj, Advocate SR.No.69247

W.P.Nos.27824, 27829, 27830,
27832, 27834, 27835 & 27836 of 2021

AD(CO)
GMY(21/01/2022)