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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WP No.32605 of 2017 and
W.M.P.Nos.35934, 35935, 35936 of 2021

M/s.Opulent Green Energy Private Limited
"Divya Simha", No.5A,
D'Silva Road,
Mylapore, Chennai 600 004

... Petitioner

-Vs-

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai 600 002.
2. Chief Engineer /NCES,
Tamil Nadu Generation and Distribution
Corporation Limited,
2nd Floor, Eastern Wing,
144, Anna Salai,
Chennai 600 002.
3. Tamil Nadu Electricity Regulatory Commission,
Rep. By its Secretary,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai 600 008.
4. The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
TANGEDCO, Maharaja Nagar,
Tirunelveli - 627 001.
5. M/s.Mirra ad Mirra Industries,
20, SIDCO Industrial Estate,
Ambattur, Chennai 600 098.

...Respondents

Writ Petition under Article 226 of the Constitution of India
praying for the issuance of a Writ of Certiorarified Mandamus to



call for the records of the impugned proceedings bearing (Pet) TANGEDCO Proceedings (CMD) No.266 dated 20.05.2017 issued by the 1st respondent and quash the same as being arbitrary and illegal and consequently, direct the respondents to permit the application for migration filed by the petitioner.

For Petitioner : M/s.Rahul Balaji
For Respondents : Mr.M.Abul Kalam,
Standing Counsel
for R1 to R3

O R D E R

Heard Mr.R.Parthasarathy, learned Counsel appearing for the petitioner and Mr.M.Abul Kalam, learned Standing Counsel appearing for the respondents and perused the documents available on record.

2. This Writ petition has been filed challenging the impugned proceedings bearing (Pet) TANGEDCO Proceedings (CMD) No.266 dated 20.05.2017 issued by the 1st respondent and for a consequential direction to the respondents 1, 2 & 3, to convert the existing EPA dated 29.09.2016 executed for the arrangement of Sale of Board, into an EWA for the arrangement of the Captive Consumption of the wind energy of the windmill having WEG HT SC Nos.618 650 and 673 at the spinning mill of the petitioner.

3. The learned counsel for the writ petitioner submitted that earlier, for the similar prayer, a batch of writ petitions have been filed before this Court in W.P.Nos. 5196, 11725, 8459 & 8463 of 2019 and 6694 & 1275 of 2021. This Court by common order dated 30.08.2019 allowed the writ petitions and granted relief to the petitioners. Challenging the same, the respondent/TANGEDCO preferred an appeal before this Court in W.A.Nos. 4189 of 2019 etc batch and the same was dismissed by the First Bench of this Court by judgment dated 18.02.2020, confirming the order passed in the writ petitions. 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, confirming the order passed by this Court in Writ Petitions and Writ Appeal.

4. In view of the above, the present writ petition deserves to be allowed with the following directions;

- i. the respondent/TANGEDCO are directed to permit the petitioner to switch over to group captive consumption/third party sale, as the case may be, as per the request made by the petitioner.



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ii. the respondent/TANGEDCO are directed to settle the respective dues to the petitioner as per their respective invoices raised by them, along with interest as per Clause 6(b), within a period of two months from the date of receipt of a copy of this order.

iii. Consequently, in view of permitting the petitioners to migrate from EPA to EWA, the proceedings dated 20.05.2017 issued by the 1st respondent deciding not to concede any request for migration is set aside.

5. In fine, with the above directions, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
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4. The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
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+1cc to M/s.R.Parthasarathy, Advocate, S.R.No.48761

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PM(CO)
CT/13/10/2021