



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.519, 523 & 524 OF 2022

- 1.Pioneer NF Forgings India Pvt Ltd
No.D-8, Industrial Area,
Maraimalai Nagar, Chengalpattu Taluk,
Kanchipuram District,
Repd. By its Authorized Signatory A.Niranjana Sankar
...Petitioner in W.P.No.519 of 2022
- 2.M/s.Sanjeevi RSD Energy Farm.,
"Ramachandra Nilayam"
No.372, Trichy Main Road, Gugai,
Salem-636 006, Repd by its,
Partner R.S.Dhanasekaran
...Petitioner in W.P.No.523 of 2022
- 3.Rajeswari Renewresoures Pvt Ltd.,
No.44, Janaki Rathna Nagar,
Minjur-601 203,
Repd. By its Director S.Vanithaa
...Petitioner in W.P.No.524 of 2022

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, NPKRR Maligai,
144, Anna Salai, Chennai-600 002
- 3.The Director-Finance,
TANGEDCO,
7th Floor, NPKRR Maligai,
144, Anna Salai, Chennai-600 002.
...Respondents in all W.Ps



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

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5.Tamilnadu Electricity Regulatory Commission
19-A, RukuminiLakshmipathi Salai,
Egmore, Chennai-600 008.
Represented by its Secretary
...Respondents in W.P.No.519 & 524 of 2022

6.The Superintending Engineer,
TANGEDCO,
Udumalpet Electricity Distribution Circle,
Udumalpet. ...3rd Respondent in W.P.No.523 of 2022

W.P.No.519 of 2022 : 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 Agreement dated 19.08.2008 for their WEG No.2295 and execute fresh Energy Wheeling Agreement under own captive consumption in their industry bearing HTSC 099094110307 at Chengalpattu EDC as per the Common Order of the Hon'ble High Court of Judicature at Madras dated 30.08.2019 which was upheld by the Hon'ble 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 the termination of the EPA dated 19.08.2008 as per their respective invoices along with interest at 1% per month for any delay in payments.

W.P.No.523 of 2022 : 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 Agreement both dated 16.09.2016 for their WEG Nos.039204340192 (Old No.212) and 039204340193 (Old No.213) and execute fresh Energy Wheeling Agreement under Group captive scheme or 3rd party sale as per the Common Order of the Hon'ble High Court of Judicature at Madras dated 30.08.2019 which was upheld by the Hon'ble 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 the termination of the EPAs dated 16.09.2016 as per their respective invoices along with interest at 1% per month for any delay in payments.



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W.P.No.524 of 2022 : 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 17.04.2018 for the WEG 079224723365 and execute fresh Energy Wheeling Agreement under Group captive scheme as per the Common Order of the Hon'ble High Court of Judicature at Madras dated 30.08.2019 which was upheld by the Hon'ble 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 the termination of the EPA dated 17.04.2018 as per their respective invoices along with interest at 1% per month for any delay in payments.

For petitioners : Mr.R.S.Pandiyaraj
in all W.Ps

For Respondents : Mr.Abul Kalam
Standing Counsel in all W.Ps

ORDER

The petitioners have filed these Writ petitions seeking issuance of a Writ of Mandamus, directing the 1st, 2nd and 3rd Respondents to allow the Utility Change to the Petitioners by terminating the existing Energy Purchase Agreement for their corresponding WEGs and execute fresh Energy Wheeling Agreement under 3rd party sale scheme as per the Common Order of the Hon'ble High Court of Judicature at Madras dated 30.08.2019 which was upheld by the Hon'ble Division Bench dated 18.02.2020 and also by the Hon'ble Supreme Court of India dated 24.09.2020 and make the outstanding payments due to the petitioner towards the wind energy sold by the petitioners' WEGs as per their respective invoices till the utility change is effected along with interest at 1% per month for any delay in payments.

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

3. The issue involved that has been raised in these 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.



4. 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.

5. 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 petitioner.

(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.

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

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

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

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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, NPKRR Maligai,
144, Anna Salai, Chennai-600 002



3.The Director-Finance,
TANGEDCO,
7th Floor, NPKRR Maligai,
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WEB COPY

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

5.The Superintending Engineer,
TANGEDCO,
Udumalpet Electricity Distribution Circle,
Udumalpet.

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

+3ccs to M/s.R.S.Pandiyaraj, Advocate Sr.No.3327

W.P.No.519, 523 & 524 of 2022

PMK(CO)
RVM(09/02/2022)