



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.1165 OF 2022

AND

W.M.P.NO.1231 OF 2022

M/s.Devendran Coal International Pvt. Ltd.,
Rep. by its Authorised Signatory,
D.Pradeep Kumar,
Old No.27, New No.30,
Casa Major Road,
Egmore, Chennai - 600 008.

... Petitioner

.Vs.

1. The Chairman,
TANGEDCO,
144, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer, NCES,
TANGEDCO, 2nd Floor,
144, Anna Salai,
Chennai 600 002.
3. The Chief Financial Controller (General),
TANGEDCO, 7th Floor,
144, Anna Salai,
Chennai - 600 002.
4. The Superintending Engineer,
TANGEDCO,
Tirunelveli EDC,
Tirunelveli.
5. The Superintending Engineer,
TANGEDCO,
Udumalpet EDC,
Udumalpet.

... Respondents



PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents for the termination of the Power Purchase Agreement dated 29.03.2015, 31.03.2011, 30.03.2011 and 25.03.2011 and to execute energy wheeling agreement for captive consumption and third party sale as the case may be, as per the request made by the petitioner, as detailed in the Table given in the affidavit.

For Petitioner : Mr.G.Maniprabhu

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the respondents for the termination of the Power Purchase Agreement dated 29.03.2015, 31.03.2011, 30.03.2011 and 25.03.2011 and to execute energy wheeling agreement for captive consumption and third party sale as the case may be, as per the request made by the petitioner, as detailed in the Table given in the affidavit.

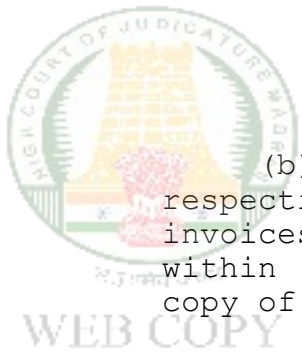
2. Heard Mr.G.Maniprabhu, learned Counsel appearing for the petitioner and Mr.L.Jaivenkatesh, learned Standing Counsel appearing on behalf of the respondents.

3. The issue involved that has been raised in the present Writ Petition 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, this Writ Petition is allowed with the following directions:

(a) The respondents/TANGEDCO are directed to permit to petitioner 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 petitioner 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. The Writ Petition is allowed accordingly. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
TANGEDCO,
144, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer, NCES,
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Tirunelveli EDC,
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5. The Superintending Engineer,
TANGEDCO,
Udumalpet EDC,
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W.P.NO.1165 OF 2022

GPL(CO)
PBS/02/03/2022