



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NOS.605, 608 & 609 OF 2022

1. Rajeswari Renewresources Pvt. Ltd.,
No.44, Janaki Rathna Nagar,
Minjur-601 203
Rep by its Director S.Vanithaa

... Petitioner
(in WP.No.605 of 2022)

2. M/s.Ashok Wind Energy,
WEG No.39304341190 (Old No.U2199)
No.72, Mudali thottam,
Veerappanchatram (Po), Erode-04,
Rep by its Managing Director
Mr.S.Ashok Kumar

...Petitioner
(in WP.No.608 of 2022)

3. Rajeswari Renewresources Pvt. Ltd.,
No.44, Janaki Rathna Nagar,
Minjur-601 203
Rep by its Director S.Vanithaa

..Petitioner
(in WP.No.609 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,
144, Anna Salai, Chennai-600 002

... (R1 & R2 in all WPs)



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

... (R3 in W.P.Nos.605 & 609 of 2022)

WEB COPY

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-600 002.

...(R4 & R5 in all WPs)

6. The Superintending Engineer,
TANGEDCO,
Udumalpet electricity Distribution Circle,
Udumalpet

...(R3 in W.P.No.608 of 2022)

PRAYER IN W.P.NO.605 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 14.05.2020 for their WEG No.079204721819 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 the payment of outstanding dues payable to the petitioner towards the wind energy sold by the petitioner till the date of the termination of the EPA dated 14.05.2020 as per their respective invoices along with interest at 1% per month for any delay in payments.

PRAYER IN W.P.NO.608 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 31.03.2012 for their WEG No.39304341190 (Old.No.U2199) 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 the payment of outstanding dues payable to the petitioner towards the wind energy sold by the petitioner till the date of the termination of the EPA dated 31.03.2012 as per their respective invoices along with interest at 1% per month for any delay in payments.

PRAYER IN W.P.NO.609 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 02.06.2017 for their WEG No.079224723038 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 the payment of outstanding dues payable to the petitioner towards the wind energy sold by the petitioner till the date of the termination of the EPA dated 02.06.2017 as per their respective invoices along with interest at 1% per month for any delay in payments.

IN ALL Wps

For petitioner : Mr.R.S.Pandiaraj
For Respondents : Mr.L.Jaivenkatesh
Standing Counsel

COMMON ORDER

The petitioners have filed these Writ Petitions seeking a direction to Respondents 1, 2 & 3 to allow the Utility Change to the Petitioner by terminating the existing Energy Purchase Agreements and execute fresh Energy Wheeling Agreement under Group Captive scheme as per the Common Order of this Court which was upheld by the Hon'ble Division Bench and also by the Hon'ble Supreme Court of India and make the payment of outstanding dues to the petitioner towards the wind energy sold by the petitioner.

2. Mr. L. Jaivenkatesh, learned Standing Counsel appearing on behalf of the respondents takes notice to respondents.



3. Heard Mr.R.S.Pandiyaraj, learned Counsel appearing for the petitioners and Mr. L. Jaivenkatesh, learned Standing Counsel appearing on behalf of the respondents.

4. 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.

5. 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.

6. In view of the above, these Writ Petitions are allowed with the following directions:

(a) The respondents/TANGEDCO are directed to permit the 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.

7. Consequently, in view of permitting the petitioners 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.

8. These Writ Petitions are allowed accordingly. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

NHS



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,
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
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6. The Superintending Engineer,
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Udumalpet electricity Distribution Circle,
Udumalpet.

W.P.Nos.605, 608 & 609 of 2022

NRL(CO)
RLP(23/02/2022)