



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NOS.1337, 1341, 1344, 1346, 1348 & 1349 OF 2022

Abirambi Soap Works LLP,
WEG No.079214721993,
New No.5 (Old No.3),
5th Main Road, W-Block,
Anna Nagar West, Chennai,
Repd. By its Partner,
K.Dhanapal.

... Petitioner in
W.P.No.1337 of 2022

M/s.Sri Kaliswari Green Energy Pvt. Ltd.,
WEG No.079204700071,
Repd. by its Authorized Signatory,
Mr.C.Shunmuganathan.

... Petitioner in
W.P.Nos.1341 of 2022

*** M/s.Sri Kaliswari Green Energy Pvt. Ltd.,**
WEG No.079204700072,
No.5A, CHAIRMAN A.Shanmuga Nadar Road,
Sivakasi.626123
Repd. by its Authorized Signatory,
Mr.C.Shunmuganathan.

... Petitioner in
W.P.Nos.1346 of 2022

M/s.Sri Kaliswari Green Energy Pvt. Ltd.,
WEG No.079204700074,
No.5A, CHAIRMAN A.Shanmuga Nadar Road,
Sivakasi.626123
Repd. by its Authorized Signatory,
Mr.C.Shunmuganathan.

... Petitioner in
W.P.Nos.1348 of 2022

M/s.Sri Kaliswari Green Energy Pvt. Ltd.,
WEG No.079204700075,
No.5A, CHAIRMAN A.Shanmuga Nadar Road,
Sivakasi.626123
Repd. by its Authorized Signatory,
Mr.C.Shunmuganathan.

... Petitioner in
W.P.Nos.1349 of 2022



Prakash Silks and Sarees,
WEG No.4118,
Repd. by its Managing Partner,
K.T.Prakash Sah.

WEB COPY

... Petitioner in
W.P.No.1344 of 2022

.Vs.

- 1 The Tamil Nadu 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.

... 1st & 2nd Respondents
in all W.P's

- 1 The Director - Finance,
TANGEDCO,
7th Floor, NPKRR Maligai,
144, Anna Salai,
Chennai - 600 002.

... 3rd Respondent in
W.P.No.1337 of 2022

- 1 The Superintending Engineer,
TANGEDCO,
Tuticorin Electricity Distribution Circle,
Tuticorin.

... 3rd Respondent in W.P.No.1341,
1346, 1348 & 1349 of 2022

- 1 The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

... 4th Respondent in
W.P.No.1337 of 2022

... 3rd Respondent in
W.P.No.1344 of 2022



WEB COPY

1 The Director - Finance,
The Tamil Nadu Generation and
Distribution Corporation Ltd.,
144, Anna Salai,
Chennai - 600 002.

... 4th Respondent in W.P.Nos.1341,
1344, 1346, 1348 & 1349 of 2022

1 The Tamil Nadu Electricity Regulatory Commission,
19-A, RukuminiLakshmipathy Salai,
Egmore, Chennai - 600 008,
Rep. by its Secretary.

... 5th Respondent in
W.P.No.1337 of 2022

COMMON PRAYER:-

These Writ Petitions are filed under Article 226 of the
Constitution of India to issue a Writ of Mandamus;

PRAYER IN W.P.NO.1337 OF 2022:-

Directing the 1st, 2nd and 3rd Respondents to allow the
Utility Change to the Petitioners by terminating the existing
Energy Purchase Agreement dated 13.09.2006 for their WEG
Nos.079214721993 and execute fresh Energy Wheeling Agreement
under own captive consumption in their industry bearing HTSC
No.019094041891 Chennai North 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 petitioners till
the date of the termination of the EPA dated 13.09.2006 as per
their respective invoices along with interest at 1% per month
for any delay in payments.

PRAYER IN W.P.NO.1341 OF 2022:-

Directing the 1st, 2nd and 3rd Respondents to allow the
Utility Change to the petitioner by terminating the existing
Energy purchase Agreements dated 27.02.2021 for their WEG
Nos.079204700071 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 27.02.2021 as per their respective invoices along with interest at 1% per month delay in payments.

WEB COPY

PRAYER IN W.P.NO.1344 OF 2022:-

Directing the 1st, 2nd and 3rd Respondents to allow the Utility Change to the petitioner by terminating the existing Energy purchase Agreements dated 31.03.2012 for their WEG Nos.4118 and execute fresh Energy Wheeling Agreement under third 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 EPA dated 31.03.2012 as per their respective invoices along with interest at 1 percent per month delay in payments.

PRAYER IN W.P.NO.1346 OF 2022:-

Directing the 1st, 2nd and 3rd Respondents to allow the Utility Change to the petitioner by terminating the existing Energy purchase Agreements dated 27.02.2021 for their WEG Nos.079204700072 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 27.02.2021 as per their respective invoices along with interest at 1 percent per month delay in payments.

PRAYER IN W.P.NO.1348 OF 2022:-

Directing the 1st, 2nd and 3rd Respondents to allow the Utility Change to the petitioner by terminating the existing Energy purchase Agreements dated 27.02.2021 for their WEG Nos.079204700074 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 27.02.2021 as per their respective invoices along with interest at 1 percent per month delay in payments.

WEB COPY

PRAYER IN W.P.NO.1349 OF 2022:-

Directing the 1st, 2nd and 3rd respondents to allow the Utility Change to the petitioner by terminating the existing Energy purchase Agreements dated 27.02.2021 for their WEG Nos.079204700075 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 27.02.2021 as per their respective invoices along with interest at 1 percent per month delay in payments.

For Petitioners : Mr.R.S.Pandiyaraj
in all W.P's

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel
in all W.P's

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 WEGs and execute fresh Energy Wheeling Agreement under own Captive consumption/Group Captive Scheme/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 the outstanding payments due to the petitioners 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.L.Jai Venkatesh, learned Standing Counsel appearing on behalf of the respondents.



3. The issue involved that has been raised in the present 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, the Writ Petition 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.

***(Corrected order to go vide letter dated 11/03/2022)**

Sd/-
Assistant Registrar(CS II)
(22/02/2022)

//True Copy//

Sub Assistant Registrar

skt



To

1. The Chairman Cum Managing Director,
The Tamil Nadu Generation and
Distribution Corporation Ltd.,
(TANGEDCO), 10th Floor,
144, Anna Salai,
Chennai - 600 002,
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.
4. The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.
5. The Secretary,
The Tamilnadu Electricity Regulatory Commission,
19-A, RukuminiLakshmipathy Salai,
Egmore, Chennai - 600 008.
6. The Superintending Engineer,
TANGEDCO,
Tuticorin Electricity Distribution Circle,
Tuticorin.
7. The Director - Finance,
The Tamil Nadu Generation and
Distribution Corporation Ltd.,
144, Anna Salai,
Chennai - 600 002.

***To be substituted
order already
despatched on
03/03/2022**

+6ccs to Mr.R.S.Pandiyaraj, Advocate, S.R.No.6746

W.P.NOS.1337, 1341, 1344, 1346,
1348 & 1349 OF 2022

SR-II (CO)
PBS/23/02/2022
CT 28/03/2022