



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NOs.1496, 1500, 1507, 1509 & 1513 of 2022

1. Prakash Sarees,
No.87, Gandhi Road,
Kanchipuram-631 501,
Rep by its Managing Partner
K.T.Prakash Sah. ..Petitioner
(in WP.No.1496 of 2022)
2. M/s.Sri Kaliswari Green Energy Pvt Ltd
WEG No.079204720402
No.5A, Chairman A. Shunmuga Nadar Road
Sivakasi-626 123
Rep by its Authorized Signatory
Mr.C. Shunmuganathan ..Petitioner
in WP.No.1500 , 1509 & 1513/2022
3. M/s. Praveen Chem Industry
S.F.No.93/3 (P) of Radapuram Village,
Tirunelveli District
Rep by its Authorized Signatory K. Dhanapal ..Petitioner
(in WP.No.1507 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
..1st & 2nd Respondents in
WP's.1496, 1500, 1507, 1509, and 1513/2022
3. The Superintending Engineer,
TANGEDCO,
Palladam Electricity Distribution Circle,
Palladam .. 3rd Respondent in WP.1496/2022



3. The Superintending Engineer,
TANGEDCO,
Tiruvvelveli Electricity Distribution Circle,
Tirunelveli. .. 3rd Respondent in WP.1500, 1507,
1509, & 1513 of 2022

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4. Director Finance
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai
Chennai-600 002. ...4th Respondent in W.P.No.1496,
1500, 1509 & 1513 of 2022

..5th Respondent in WP.No.1507/2022

4. Tamilnadu Electricity Regulatory Commission,
19-A, RukminiLakshmipathiSalai,
Egmore, Chennai-600 008.
Rep by its Secretary ..4th Respondent in WP.No.1507/2022

PRAYER IN W.P.NO.1496 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 30.09.2011 for their WEG No.39304392053 (Old No.873) 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 the outstanding due payable to the petitioner towards the wind energy sold by the petitioner till the date of the termination of the EPA dated 30.09.2011 as per their respective invoices along with interest at 1% per month for any delay in payments.

PRAYER IN W.P.NO.1500 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 27.02.2021 for their WEG No.079204720402 (Old No.873) 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 outstanding due 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 for any delay in payments.



PRAYER IN W.P.NO.1507 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 29.09.2006 for their WEG No.2065 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 the outstanding Payment of Rs.64,93,538/- to the petitioner towards the wind energy sold by the petitioner for the period from August 2020 to october 2021 as per their respective invoices along with interest at 1% per month for any delay in payments.

PRAYER IN W.P.NO.1509 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 27.02.2021 for their WEG No.079204720827 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 outstanding due 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 for any delay in payments.

PRAYER IN W.P.NO.1513 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 27.02.2021 for their WEG No.079204720828 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 outstanding due 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 for any delay in payments.



IN ALL Wps

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

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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 third party sale 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 outstanding dues to the petitioner towards the wind energy sold by the petitioner

2. Heard Mr.R.S.Pandiyaraj, learned Counsel appearing for the petitioner and Mr.M.Abdul Kalam, 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, 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 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. 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.

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

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

NHS

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,
144, Anna Salai, Chennai-600 002
3. The Superintending Engineer,
TANGEDCO,
Tirunelveli electricity Distribution Circle,
Tirunelveli.
4. The Superintending Engineer,
TANGEDCO,
Palladam Electricity Distribution Circle,
Palladam
5. Tamilnadu Electricity Regulatory Commission
19-A, RukuminiLakshmipathy Salai,
Egmore, Chennai-600 008.
Rep by its Secretary
6. Director Finance
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai
Chennai-600 002.

+5cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.8504

W.P.NOs.1496, 1500, 1507,
1509 & 1513 of 2022

JPL (CO)
SB(03/03/2022)