



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

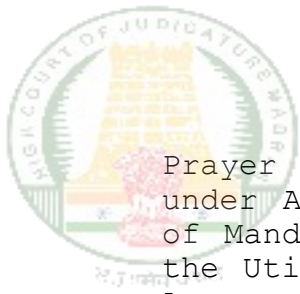
DATED: 18.03.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. Nos.6165, 6168, 6170 & 6174 of 2022

1. TCP Limited
W.F.H.T.S.C.No.079204721479 (Old No.1479)
Sapthagir bhavan
No.4 (Old No.10) Karpagambai Nagar,
Mylapore, Chennai - 600 004.
Repd. By its General Manager (Works)
R.Ganesh
...Petitioners in W.P.Nos.6165 & 6170 of 2022.
 2. R.Uma Maheswari
...Petitioners in W.P.Nos. 6168 & 6174 of 2022.
- Vs.
1. Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO),
10th Floor, 144, Anna Salai,
Chennai - 600 002.
Represented 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,
Udumalpet Electricity Distribution Circle,
Udumalpet.
...3rd Respondent in W.P.No.6168 & 6174/2022
 3. The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
TIRUNELVELI.
...3rd Respondents in W.P.No.6165 & 6170/2022
 4. Director Finance
Tamil Nadu Generation and Distribution Corporation Limited, 144, Anna Salai,
Chennai - 600 002. ...4th Respondent in All



Prayer in W.P.Nos.6165 & 6170 of 2022.: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus, directing the 1st, 2nd, and 3rd respondents to allow the Utility change by terminating the existing Energy purchase Agreement dated 17.07.2008 respectively and execute fresh Energy Wheeling Agreement for their own captive consumption and their HTSC No.059094600031 of the energy generated in petitioner's WF HTSC No.079204721479 (Old No.1479) and HTSC No.079204721480 (Old No.1480) 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 17.07.2008 as per their respective invoices along with interest at 1% per month for any delay in payments.

Prayer in W.P.Nos.6168 & 6174 of 2022.: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus, directing the 1st, 2nd, and 3rd respondents to allow the Utility change by terminating the existing Energy purchase Agreements dated 14.09.2021 for their WEG Nos.039204340268 (Old No.310) and WEG Nos.039204340334 (Old No.411) 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 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 14.09.2021 as per their respective invoices along with interest at 1% per month for any delay in payments.

For Petitioners : Mr.Sarvanakumar

For Respondents : Mr.Abul Kalam

COMMON ORDER

Mr.Abul Kalam, learned Standing Counsel accepts notice for the respondents and is armed with instructions to proceed with the matter finally. Hence, by consent of both counsel, these writ petitions are disposed finally even at the stage of admission.

2.The prayer of the petitioners is for a mandamus directing the respondents to permit the Utility Change to them by



terminating the existing Energy Purchase Agreements and execute fresh Energy Wheeling Agreement.

3. An identical prayer was made in the case of other similarly placed petitioners and has come to be accepted by this Court in W.P.No.5196 of 2019 etc. batch by a learned single Judge of this Court vide order dated 30.08.2019, operative portion of which reads as follows:

29. Thus, for the reasons stated above, the writ petitions deserve to be allowed with the following directions;

(a) the respondents/TANGEDCO are directed to permit the petitioners to switch over to captive consumption so as to use the same for their own industry;

(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 two months from the date of receipt of a copy of this order.

(c) 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.

4. The aforesaid order is confirmed in W.A.No.4189 of 2019 vide order dated 18.02.2020, which has also been confirmed in SLP Nos.8513 to 8518 of 2020 by order of the Hon'ble Supreme Court dated 24.09.2020.

5. The aforesaid orders have also been consistently followed by this Court thereafter. In view of the admitted identity in facts and legal position, the aforesaid orders are taken to be passed in the presents matter as well.

6. These Writ Petitions are disposed as above and the mandamus sought for is issued including the specific direction for settlement of dues to the petitioners. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

nst/ska



To

1. Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO),
10th Floor, 144, Anna Salai,
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Represented by its Chairman
Cum Managing Director.
2. The Chief Engineer/NCES,
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TANGEDCO,
Udumalpet Electricity Distribution Circle,
Udumalpet.
5. Director Finance
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai - 600 002.

+4cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.18399

W.P. Nos.6165, 6168, 6170 & 6174 of 2022

GSM(CO)

RGA(31/03/2022)