



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.Nos.6925, 6929, 6931, 6937, 6938 & 6939 of 2022

TCP LIMITED
SAPTHAGIRI BHAVAN NO. 4 (OLD NO.10)
KARPAGAMABAL NAGAR MYLAPORE CHENNAI 600 004
REPD. BY ITS GENERAL MANAGER (WORKS)
R.GANESH

... PETITIONER in WP Nos.6925, 6931,
6938 & 6939 of 2022

VETAL TEXTILES AND ELECTRONICS
PRIVATE LIMITED PLOT NO. 21-24 (OLD NO.1)
INDUSTRIAL ESTATE CIVILAEERODROME POST
COIMBATORE 641 014 REPD. BY ITS AUTHORIZED
SIGNATORY RAGURAM RAJ

... PETITIONER in WP Nos.6929 & 6937 of 2022

-VS-

TAMILNADU GENERATION AND DISTRIBUTION
CORPORATION LTD (TANGEDCO) 10TH FLOOR
144 ANNA SALAI CHENNAI 02
PREPESNTED BY ITS CHAIRMAN CUM
MANANGING DIRECTOR

THE CHIEF ENGINEER / NCES
TANGEDCO 2ND FLOOR
144 ANNA SALAI CHENNAI 600 002

THE DIRECTOR FINANCE
TANGEDCO TAMIL NADU GENERATION AND
DISTRIBUTION CORPORATION LIMITED
144 ANNA SALAI CHENNAI 02

... RESPONDENTS 1,2 & 4 IN WP.Nos.6925,
6929, 6931, 6937 to 6939 OF 2022

THE SUPERINTENDING ENGINEER
TANGEDCO TIRUNELVELI ELECTRICITY
DISTIRBUTION CIRCLE TIRUNELVELI

... 3rd RESPONDENT IN WP.No.6925 OF 2022



THE SUPERINTENDING ENGINEER
TANGEDCO UDUMALPET ELECTRICITY
DISTRIBUTION CIRCLE UDUMALPET

... 3rd RESPONDENT IN WP.NO.6929 OF 2022

WEB COPY

THE SUPERINTENDING ENGINEER
TANGEDCO PALLADAM ELECTRICITY
DISTRIBUTION CIRCLE PALLADAM

... 3rd RESPONDENT IN WP.Nos.6931,
6937, 6938 & 6939 OF 2022

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1st, 2nd and 3rd Respondents to allow 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 at their HTSC No.059094600031 of the energy generated in Petitioner's WF HTSC No.079204721482 (Old No.1482) as per the Common Order of the 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.

WP No.6929 of 2022:

This Writ 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 Utility Change to the petitioner by terminating the existing Energy Purchase Agreement dated 06.07.2009 for their WEG Nos 039204340223 (Old No 254) and execute fresh Energy Wheeling agreement under third partly 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 06.07.2009 as per their respective invoices along with interest at 1% per month for any delay in payments.

WP No.6931 of 2022:

This Writ 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 Utility Change by terminating the existing Energy Purchase Agreement dated



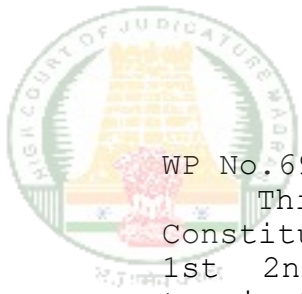
28.05.2010 respectively and execute fresh Energy Wheeling Agreement for their own captive consumption at their HTSC No. 059094600031 of the energy generated in petitioners WF HTSC No. 039224391681 (Old No 989) as per the common order of the Hon'ble High Court of judicature at Madras dated 30.08.2019 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 till the date of the termination of the EPA dated 28.05.2010 as per their respective invoices along with interest at 1% per month for any delay in payments.

WP No.6937 of 2022:

This Writ 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 Utility Change by terminating the existing Energy Purchase Agreements dated 17.06.2009, 31.03.2008, 31.03.2010 and 11.05.2010 for their WF HTSC No. 039214391136 (Old No. 676) 039214391209 (Old No. 1534), 039224391617 (Old No. 1837) and 039224391674 (Old No. 983) 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 17.06.2009, 31.03.2008, 31.03.2010 & 11.05.2010 as per their respective invoices along with interest at 1% per month for any delay in payments.

WP No.6938 of 2022:

This Writ 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 Utility Change by terminating the existing Energy Purchase Agreement dated 30.03.2010 respectively and execute fresh Energy Wheeling Agreement for their own captive consumption at their HTSC No. 059094600031 of the energy generated in petitioners WF HTSC No. 039224391564 (Old No 916) 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 till the date of the termination of the EPA dated 30.03.2010 as per their respective invoices along with interest at 1% per month for any delay in payments.



WP No.6939 of 2022:

This Writ 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 Utility Change by terminating the existing Energy Purchase Agreement dated 30.03.2010 respectively and execute fresh Energy Wheeling Agreement for their own captive consumption at their HTSC No. 059094600031 of the energy generated in petitioners WF HTSC No. 039224391565 (Old No 917) 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 till the date of the termination of the EPA dated 30.03.2010 as per their respective invoices along with interest at 1% per month for any delay in payments.

(In all WPs)

For Petitioner : Mr.S.P.Parthasarathy

For Respondents : Mr.Abul Kalam
Standing Counsel

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 expressed by both learned 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;



WEB COPY

(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 present matter as well.

5. 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-VI)

//True Copy//

Sub Assistant Registrar

vs

To

1. Tamilnadu 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.

WEB COPY

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

4. The Director Finance
TANGEDCO,
144, Anna Salai, Chennai - 600 002.

5. The Superintending Engineer,
TANGEDCO
Udumalpet Electricity Distribution Circle,
Udumalpet.

6. The Superintending Engineer,
TANGEDCO,
Palladam Electricity Distribution Circle,
Palladam.

+6ccs to Mr.R.S.Pandiyaraj, Advocate, S.R.No.20877

W.P.Nos.6925, 6929, 6931,
6937, 6938 & 6939 of 2022

RSI (CO)
SU(07/04/2022)
SU(21/04/2022)