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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2022

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THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.NO.6487 OF 2022

M/s. Jayachandran Industries Pvt.Ltd.,
Represented by its Director J.Sundaralingam,
No.10/20, Ramanathan Street,
T.Nagar, Chennai - 17.

... Petitioner

Vs.

1. Tamil Nadu Generation & Distribution Corporation Ltd.,
Represented by its Chairman,
No.144, Anna Salai, Chennai - 2.
2. The Chief Engineer/NCES,
Tamil Nadu Generation & Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai - 2.
3. The Superintending Engineer,
Tiruneveli EDC,
Tamil Nadu Generation & Distribution Corporation Ltd.,
TANGEDCO/Tirunelveli-II,
Tirunelveli.
4. The Superintending Engineer,
Chennai/South-EDC.
Chennai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to allow the utility change of the petitioner by converting the existing energy purchase agreement dated 02.09.2013 to energy wheeling agreement in petitioner's company located at No.236/208, Jayachandran Nagar, Jaladiyanpettai Village, Chennai-100 bearing HT Service No.099094011021 coming under the jurisdiction of the 4th respondent for captive consumption of the windmill generated units in the petitioner company, Chennai/South-II EDC, based on the representation dated 04.01.2022.



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For Petitioner : Mr.M.Santhanaraman
For Respondents : Mr.Abul Kalam
Standing Counsel.

O R D E R

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, this writ petition is disposed finally even at the stage of admission.

2. The prayer of the petitioner 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 present matter as well.

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

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

nst/ska

1. The Chairman,
Tamil Nadu Generation & Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai - 2.
2. The Chief Engineer/NCES,
Tamil Nadu Generation & Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai - 2.
3. The Superintending Engineer,
Tiruneveli EDC,
Tamil Nadu Generation & Distribution Corporation Ltd.,
TANGEDCO/Tirunelveli-II,
Tirunelveli.
4. The Superintending Engineer,
Chennai/South-EDC.
Chennai.

+1cc to Mr.M.Santhanaraman, Advocate, S.R.No.18446

W.P.No.6487 of 2022

GSM(CO)

RLP(30/03/2022)