



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2022

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.6585 of 2022 &
WMP.No.6688 of 2022

Sri Saipranav Wind Power Private Limited
Rep. By its Managing Director,
41, Masjid Street,
Kangayam - 638 701,
Tirupur District.

... Petitioner

Vs

- 1 The Tamil Nadu Generation and distribution Corporation Ltd
TANGEDCO, 10th Floor Eastern Wing,
N.P.K.R.R.Maligai, 144, Anna Salai, Chennai- 600 002
Rep by its chairman and Managing Director.
- 2 The Chief Financial Controller,
TANGEDCO, N.P.K.R.R.Maligai, 144,
Anna Salai, Chennai- 600 002.
- 3 The Chief Engineer
Non- Conventional Energy Sources (NCES)
TANGEDCO 2nd Floor Eastern Wing 144
Anna Salai Chennai- 600 002.
- 4 The Superintending Engineer
TANGEDCO, Tirunelveli EDC,
Tirunelveli.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the Respondents to allow the Petitioner company to give effect to the Petitioners termination letter dated 26.01.2022 and terminate the current arrangement of sale electricity generated to the TANGEDCO and allow the Petitioners to effect change in Utility i.e. to move from the category of sale To Board to the category of Sale of Power to captive consumption / Third Party in terms of its right of open access to utilise the electricity generated and also release all dues pending for power supplied to the Respondents from the Petitioners generating unit bearing HTSC No.079204721723 which stand at Rs.59,93,880/- for the period November 2018 to December 2021 together with the mandated interest on delayed payment.



WEB COPY

For Petitioner : Mr.Rahul Balaji

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 in this Writ Petition is for a mandamus directing the respondents to permit the Utility Change to them by terminating the existing Energy Purchase Agreement and executing 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.

6. This Writ Petition is allowed as above and the mandamus sought for is issued including the specific direction for settlement of dues to the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

sl/kbs

To

- 1 The chairman and Managing Director.
The Tamil Nadu Generation and distribution Corporation Ltd
TANGEDCO, 10th Floor Eastern Wing,
N.P.K.R.R.Maligai, 144, Anna Salai, Chennai- 600 002
- 2 The Chief Financial Controller,
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- 4 The Superintending Engineer
TANGEDCO, Tirunelveli EDC,
Tirunelveli.

+1cc to M/s.R.Parthasarathy, Advocate, S.R.No.19927

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AD(CO)
SB(01/04/2022)