



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2022

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.NOS.7375, 7379, 7380, 7383, 7385 & 7389 OF 2022

M/s.Sree Kandiamman Wind Farms
WEG No.039214340826 (Old No.1447)
No.45 B, Nehru Street,
Mahalingapuram, Pollachi,
Coimbatore,
Repd. by its Partner
K.Kumaravel

... PETITIONER in WP.No.7375 of 2022

VETAL TEXTILES AND ELECTRONICS PVT LTD.,
PLOT NO. 21 - 24 (OLD NO.1),
INDUSTRIAL ESTATE, CIVILAERODROME POST,
COIMBATORE- 641 014,
REPD BY ITS AUTHORIZED SIGNATORY RAGURAM RAJA.

... PETITIONER in WP No.7379 of 2022

V.PRIYA
W/O.S.RAGURAM RAJA, PLOT NO. 2-B (OLD NO.24-A)
INDUSTRIAL ESTATE, CIVILAERODROME POST
COIMBATORE- 641 014.

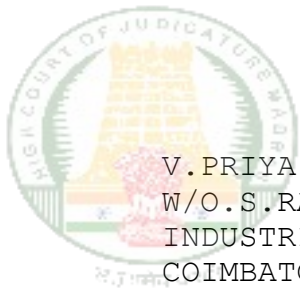
... PETITIONER in WP No.7380 of 2022

VETAL TEXTILES AND ELECTRONICS PVT LTD.,
PLOT NO. 21 - 24 (OLD NO.1)
INDUSTRIAL ESTATE, CIVILAERODROME POST,
COIMBATORE- 641 014,
REPD BY ITS AUTHORIZED SIGNATORY RAGURAM RAJA.

... PETITIONER in WP No.7383 of 2022

TIRUPUR PANDIT HOSIERY MILLS PVT LTD.,
W.F.H.T.S.C. NO. 039204340561 (OLD NO. 826)
S.F.NO. 647 -B CHERANGADU,
KNP COLONY POST, DHARAPURAM ROAD,
TIRUPUR- 641 608 REPD BY ITS DIRECTOR, R.LATHA

... PETITIONER in WP No.7385 of 2022



V.PRIYA

W/O.S.RAGURAM RAJA PLOT NO. 21-B (OLD NO. 24-A)
INDUSTRIAL ESTATE, CIVIL AERODROME POST,
COIMBATORE- 641 014.

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... PETITIONER in WP No.7389 of 2022

Vs

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.

... Respondents 1 & 2 in all WPs

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

... 3rd Respondent in WP.Nos.7375,
7380, 7385 of 2022

4. Director Finance
Tamilnadu Generation and Distribution
Corporation Limited,
144, Anna Salai, Chennai - 600 002.

... 4th Respondent in WP.Nos.7375, 7379,
7380, 7383 & 7389 of 2022

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

... 3rd Respondent in WP.Nos.7379,
7383 & 7389 of 2022

6. Tamilnadu Electricity Regulatory Commission,
19-A, Rukumini Lakshmi Pathy Salai,
Egmore, Chennai - 600 008.
Represented by its Secretary.

... 4th Respondent in WP.No.7385 of 2022



Prayer in WP.No.7375 of 2022:- 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 to the Petitioner by terminating the existing Energy Purchase Agreement dated 27.06.2017 for their WEG Nos.039214340826 and execute fresh Energy Wheeling Agreement under Group Captive/ Third party scheme 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 27.06.2017 as per their respective invoices along with interest at 1% per month for any delay in payments.

Prayer in WP.No.7379 of 2022:- 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 the Utility Change to the Petitioner by terminating the existing Energy Purchase Agreements dated 17.06.2009 for their WF HTSC No.039204390220 (Old No. 266), 039204390305 (Old No.. 304) and 039204390499 (Old No. 393) and execute fresh Energy Wheeling Agreement under Third party sale as per the Common order of the Honble High Court of Judicature at Madras dated 30.08.2019 which was upheld by the Honble Division Bench dated 18.02.2020 and also by the Honble 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 as per their respective invoices along with interest at 1% per month for any delay in payments and pass such further or other orders as this Hon'ble Court.

Prayer in WP.No.7380 of 2022:- 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 the Utility Change to the Petitioner by terminating the existing Energy Purchase Agreements dated 31.03.2011 (Subsequently addendum dated 15 / 07 / 2019) for their WEG Nos.039224341004 (old No.Ugb32), and execute fresh Energy Wheeling Agreement under Third party sale as per the common order of the Honble High Court of Judicature at Madras dated 30.08.2019 which was upheld by the Honble Division Bench dated 18.02.2020 and also by the Honble 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 31.03.2011 as per their



respective invoices along with interest at 1% per month for any delay in payments and pass such further or other orders.

Prayer in WP.No.7383 of 2022:- 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 the Utility Change to the Petitioner by terminating the existing Energy Purchase Agreements dated 17.06.2009 for their WF HTSC No.039214391108 (Old No.653), 039214391134 (Old No.672) and 039214391135 (Old No. 673) and execute fresh Energy Wheeling Agreement under Third party sale as per the Common order of the Honble High Court of Judicature at Madras dated 30.08.2019 which was upheld by the Honble Division Bench dated 18.02.2020 and also by the Honble 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 as per their respective invoices along with interest at 1% per month for any delay in payments and pass such further or other orders.

Prayer in WP No.7385 of 2022:- 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 22.04.2009 respectively and execute fresh Energy Wheeling Agreement for their own captive consumption at their HTSC No. 039094380601 of the energy generated in Petitioners WF HTSC No.039204340561 (old No. 826) as per the common order of the Honble High Court of Judicature at Madras dated 30.08.2019 which was upheld by the Honble Division Bench dated 18.02.2020 and also by the Honble 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 22.04.2009 as per their respective invoices along with interest at 1% per month for any delay in payments.

Prayer in WP.No.7389 of 2022:- 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 the Utility Change to the Petitioner by terminating the existing Energy Purchase Agreements dated 17.06.2009 (Subsequently addendum dated 15 / 07 / 2019) and 27.03.2010 for their WEG Nos. 039204390221 (old No.267) and 039224391536, (Old No.1770) and execute fresh Energy Wheeling Agreement under Third party Sale as per the common order of the Honble High Court of Judicature at Madras dated 30.08.2019 which was upheld by the Honble Division Bench dated 18.02.2020 and also by the Honble 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 and 27.03.2010 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.C.Jayaprakash
Government Advocate
for Mr.Abul Kalam
Standing Counsel

COMMON ORDER

Mr.C.Jayaprakash, learned Government Advocate for 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;

(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.



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(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. These Writ Petitions are allowed 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(CCC)

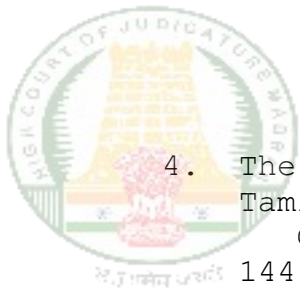
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Sub Assistant Registrar

vs/ska

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



4. The Director Finance
Tamilnadu Generation and Distribution
Corporation Limited,
144, Anna Salai, Chennai - 600 002.

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5. The Superintending Engineer,
TANGEDCO,
Palladam Electricity Distribution Circle,
Palladam.
6. The Secretary,
Tamilnadu Electricity Regulatory Commission,
19-A, Rukumini Lakshmipathy Salai,
Egmore, Chennai - 600 008.

+6ccs to Mr.R.S.Pandiyaraj, Advocate, S.R.No.21192

W.P.Nos.7375, 7379, 7380, 7383,
7385 & 7389 of 2022

SPD(CO)
RLP(13/04/2022)