



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. NOS.10346, 10347, 10349, 10355 & 10360 OF 2022

M/s.Raamji Impex,
WEG No.039224391626 Old No.934
S.F.No.5/1-D, Abi Raam Grden,
Tirupur-641 606
Repd by its Partner
Jaganathan

... Petitioner in W.P.No.10346 of 2022

M/s.Thangam Green Energy,
No.1/208, Chithampalam Pirivu West,
Udumalai Road, Venkitapuram Post,
Palladam - 641 664
repd. by its Authorised Signatory
S.Chandramohan

... Petitioner in W.P.No.10347 of 2022

GK Wind Farms India P Ltd.,
WEG No.039214340745,
24-K, Jagadish Nagar,
Seeranaickenpalayam (Po),
Coimbatore - 641 007.
Repd by it Authorised Signatory
V.Krishnan

... Petitioner in W.P.No.10349 of 2022

M/s.Kavitha Dyeings
WEG No.079204721296
No.1/5-261, Anthiyur Main Road,
Kadaiyampatti Post, Bhavani Taluk,
Erode - 638 312.
Repd by its Authorised Signatory
S.Paramasivam

... Petitioner in W.P.No.10355 of 2022



Greennsure Power P Ltd.,
WEG No.079224722993,
9/5, Kannan Abode, S2,
2nd Floor, Nehru Street,
Avvai Nagar, Near Anna Nedum Pathai,
Choolaimeddu, Chennai-600 094.
Repd by it Director
N.Mageswaran

... Petitioner in W.P.No.10360 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, Palladam Electricity Distribution Circle,
Palladam.

... 3rd Respondent in WP.10346 of 2022

The Superintending Engineer,
TANGEDCO, Theni Electricity Distribution Circle,
Theni.

... 3rd Respondent in WP.10347 of 2022

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

... 3rd Respondent in WP.10349 of 2022

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

... 3rd Respondent in
WP.Nos.10355 & 10360 of 2022

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

...4th Respondent in all WPs



Prayer in WP.10346 of 2022:

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 the Utility Change to the Petitioner by terminating the existing Energy Purchase Agreements dated 30.03.2010 for their WEG Nos. 039224391626 Old No.934 and execute fresh Energy Wheeling Agreement under Group Captive scheme 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 30.03.2010 as per their respective invoices along with interest at 1% per month for any delay in payments.

Prayer in WP.10347 of 2022:

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 the Utility Change to the Petitioner by terminating the existing Energy Purchase Agreement dated 31.03.2017 respectively and execute fresh Energy Wheeling Agreement for group Captive Consumption of the energy generated in Petitioner's WF HTSC No.059244760181 (OLD NO.RE-11-T-60), 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 31.03.2017 as per their respective invoices along with interest at 1% per month for any delay in payments.

Prayer in WP.10349 of 2022:

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 the Utility Change to the Petitioner by terminating the existing Energy Purchase Agreements all dated 24.02.2022 for their WEG Nos.039214340745 and execute fresh Energy Wheeling Agreement under group captive 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 outstanding payment of Rs.13,705/- to the Petitioner towards the wind energy sold by the petitioner as per their respective invoices along with interest at 1% per month



for any delay in payments.

Prayer in WP.10355 of 2022:

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 the Utility Change to the Petitioner by terminating the existing Energy Purchase Agreement dated 16.11.2021 respectively and execute fresh Energy Wheeling Agreement for their own Captive Consumption at their HTSC No.049094360113 of the energy generated in Petitioner's WF HTSC 079204721296 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 16.11.2021 as per their respective invoices along with interest at 1% per month for any delay in payments.

Prayer in WP.10360 of 2022:

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 the Utility Change to the Petitioner by terminating the existing Energy Purchase Agreements all dated 08.03.2022 for their WEG Nos. 079224722993 and execute fresh Energy Wheeling Agreement under group captive/Third party 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 08.03.2022 as per their respective invoices along with interest at 1% per month for any delay in payments.

(IN ALL W.P.'s)

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 matters finally. Hence, by consent of both counsel, these writ petitions are disposed finally even at the stage of admission.

2. The prayers of the petitioners in all Writ Petitions is for a mandamus directing the respondents to permit the Utility Change to them by terminating the existing Energy Purchase Agreements and executing fresh Energy Wheeling Agreements.

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 matters as well.

WEB COPY

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

//True Copy//

Sub Assistant Registrar

ska

To

1. The Chairman cum Managing Director
Tamilnadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
10th Floor, 144, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer, NCES,
TANGEDCO, 2nd Floor,
144, Anna Salai,
Chennai - 600 002.
3. The Superintending Engineer,
TANGEDCO, Palladam Electricity Distribution Circle,
Palladam.
4. The Superintending Engineer,
TANGEDCO, Theni Electricity Distribution Circle,
Theni.
5. The Superintending Engineer,
TANGEDCO, Udumalpet Electricity Distribution Circle,
Udumalpet.
6. The Superintending Engineer,
TANGEDCO, Tirunelveli Electricity Distribution Circle,
Tirunelveli.



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

WEB COPY

+5ccs to Mr.R.S.Pandiyaraj, Advocate, S.R.No.28110

W.P. Nos.10346, 10347, 10349,
10355 & 10360 of 2022

SKM(CO)
PM/12/05/2022