



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.11456 of 2022

M/s.Swami Chickens Private Limited,
Represented by its Manager,
Ramesh Kumaran Duraisamy,
No.205-1B, Nathapalayam, Peramiyam Road,
Nathapalayam (PO), Mulanur 638 106,
Tiruppur.

... Petitioner

Vs

1. The Chairman,
TANGEDCO,
144, Anna Salai, Chennai-600 002.
2. The Chief Engineer, NCES,
TANGEDCO, 2nd Floor,
144, Anna Salai, Chennai-600 002.
3. Chief Financial Controller (General),
TANGEDCO, 7th floor,
144, Anna Salai, Chennai 600 002.
4. The Superintending Engineer,
TANGEDCO, Dindigul EDC, Dindigul.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents for the termination of the PPA in WF HT SC No.059214500149, WF HT SC No.059214500150, WF HT SC No.059214500151, WF HT SC No.059214500152 and WF HT SC No.059214500153 all dated 11.01.2022 and to execute energy wheeling agreement for captive consumption as per the request made by the petitioner.

For Petitioner : Mr.G.Maniprabhu

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 expressed by both learned 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 petitioner 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.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vs

To

1. The Chairman,
TANGEDCO,
144, Anna Salai, Chennai-600 002.
2. The Chief Engineer, NCES,
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144, Anna Salai, Chennai-600 002.
3. The Chief Financial Controller (General),
TANGEDCO, 7th floor,
144, Anna Salai, Chennai 600 002.
4. The Superintending Engineer,
TANGEDCO, Dindigul EDC, Dindigul.

W.P.No.11456 of 2022

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NSK/25/05/2022