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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2022

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.11319 of 2022

Prisan Windmill Division (P) Ltd.,
Represented by its Authorized Signatory,
Mr.K.Paramasivam ... Petitioner

Vs

- 1.Tamilnadu Generation and Distribution Corporation Ltd.,
TANGEDCO,
Rep. by its Chairman cum Managing Director,
144, Anna Salai,
Chennai - 600 002.
- 2.The Director (Finance),
TANGEDCO (Tamilnadu Generation and
Distribution Corporation Ltd.,),
No.144, Anna Salai,
Chennai - 600 002.
- 3.The Chief Finance Controller / Revenue,
TANGEDCO, (Tamilnadu Generation and
Distribution Corporation Ltd.,)
144, Anna Salai,
Chennai - 600 002.
- 4.The Superintending Engineer,
TANGEDCO, Coimbatore South EDC,
Coimbatore. ... 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 make outstanding payment of a sum of Rs.25,82,518/- to the petitioner towards banking of surplus energy generated through the Windmill of Petitioner bearing HTSC No.039224320138 of Coimbatore (South) EDC as on 31.03.2018, 31.03.2019 and 31.03.2020 vide invoices dated



16.06.2018, 29.07.2019 and 29.05.2020 respectively together interest at 1% per month for delay in payments or to adjust the same to current consumption charges such as demand charges, transmission charges, etc., relating to the electricity service connection of the petitioner in HTSC No.426 of Erode EDC by considering the petitioner representation dated 08.04.2022.

For Petitioner : Mr.S.Senthil

For Respondents : Mr.Abul Kalam, Standing Counsel

O R D E R

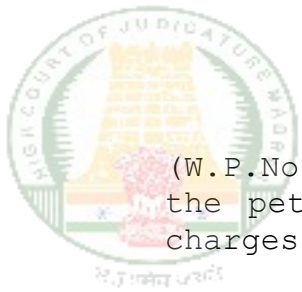
Mr.Abul Kalam, learned Standing Counsel accepts notice for the respondents and is armed with instructions to proceed with the matter finally. Hence, by consent expressed by both counsel, this Writ Petition is disposed finally even at the stage of admission.

2. The petitioner in this Writ Petition seeks a Writ of Mandamus directing the respondents (TANGEDCO) to make payment of a sum of Rs.25,82,518/- to the petitioner towards banking of surplus energy generated through the Windmills of Petitioner bearing HTSC No.039224320138 of Coimbatore (South) EDC as on 31.03.2018, 31.03.2019 and 31.03.2020 vide invoices dated 16.06.2018, 29.07.2019 and 29.05.2020 respectively together interest at 1% per month for delay in payments or to adjust the same to current consumption charges such as demand charges, transmission charges, etc., relating to the electricity service connection of the petitioner in HTSC No.426 of Erode EDC.

3. I have had an occasion to consider the similar issue in W.P.Nos.1578 of 2022 and batch and referring to earlier orders passed by this Court in W.P.No.6776 of 2020 and 27559 & 27564 of 2021 dated 28.10.2021 and 22.12.2021 respectively, have passed the following order:

"Mr.Abul Kalam, learned Standing Counsel accepts notice for the respondents. By consent of both sides, these Writ Petitions are disposed finally even at the stage of admission.

2. The petitioners seek a Writ of Mandamus forbearing the respondents i.e., the Tamil Nadu Electricity Regulatory Commission and various other officials of the Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) from collecting current consumption charges, demand charges and other arrears from the petitioners until such time the respondents settle the outstanding dues of Rs.3,60,657/- (W.P.No.1578 of 2022), Rs.8,78,252/- (W.P.No.1598 of 2022) and Rs.1,42,077/-



(W.P.No.1608 of 2022), all for the period 2019-2020, payable to the petitioners or adjust the same against current consumption charges till the entirety of the amounts stand adjusted.

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3. Both learned counsel would concur on the position that this issue stands decided by various Benches of this Court. In W.P.Nos.27559 and 27564 of 2021 final orders were passed on 22.12.2021 to the effect that, in those cases where TANGEDCO was in the process of adjusting the outstanding amounts due, such adjustment would continue till the entire outstanding amounts stood adjusted towards current consumption charges/open access charges payable by the respective Petitioners.

4. TANGEDCO was directed not take coercive steps to disconnect the electricity connection to the Petitioners until the outstanding amounts due and payable is completely adjusted towards the current consumption charges/open access charges payable by the Petitioners.

5. In W.P.No.6776 of 2018, TANGEDCO has been directed vide order dated 28.10.2021 to formulate a definite policy as to how they propose to deal with their liabilities under the agreements, going forward.

6. Mr.Kalam, who takes notice for the respondents would submit that the policy which is presently being finalized also includes the issue of interest payable to consumers for delay in effecting payments.

7. In view of the identity of facts that arise in the earlier matters as in the present matters, learned counsel would request the Court to pass final orders in the present writ petitions even at the stage of admission following the ratio of orders dated 28.10.2021 and 22.12.2021 as aforesaid.

8. Thus, acceding to the request, W.P.Nos.1578, 1598 and 1608 of 2022 are disposed in terms of the orders passed on 28.10.2021 and 22.12.2021 granting the mandamus as sought for. No costs. Consequently, connected miscellaneous petitions are closed.

4. Mr.Kalam, concurs on the complete identity between the facts and legal position as obtained in the present Writ



Petition and the Writ Petitions referred to above. Thus, the same order passed on 07.02.2022 is taken to be passed in this writ petition as well.

5. This writ petition is disposed in terms of orders dated 07.02.2022 passed in W.P.No.1578 of 2022 and batch, as extracted supra, granting the mandamus as sought for. No costs.

6. List this Writ Petition along with W.P.No.6776 of 2020 and batch on 08.06.2022 under the caption 'for filing final report'.

SD/-

ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

sl/kbs

To

1.The Chairman cum Managing Director,
TANGEDCO,
144, Anna Salai,
Chennai - 600 002.

2.The Director (Finance),
TANGEDCO,
No.144, Anna Salai,
Chennai - 600 002.

3.The Chief Finance Controller / Revenue,
TANGEDCO, 144, Anna Salai,
Chennai - 600 002.

4.The Superintending Engineer,
TANGEDCO, Coimbatore South EDC,
Coimbatore.

+1cc to Mr.S.Senthil, Advocate Sr.30411

W.P.No.11319 of 2022

pvs[co]
srg 12/05/2022