



WEB COPY

W.P.No.14300 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

**W.P.No.14300 of 2022 &
W.M.P.No.13534 of 2022**

G2 Technology Solutions India Pvt. Ltd.,
rep. By is Director Mrs.S.Latha,
S.F.No.174/2, 1st Floor, Thiruvallur Street,
Veliakinar Pirivu Road, G.N.Mills Post,
Coimbatore – 641 029.

... Petitioner

VS.

- 1.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,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.
- 4.Tamilnadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmipathi Salai, Egmore,
Chennai – 600 008.
Rep. By its Secretary.



5. The Tamilnadu Electricity Board,
Rep. By its Superintending Engineer,
Udumalpet

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for Writ of Mandamus for directing the respondents/TANGEDCO to terminate the existing Energy Purchase Agreements dated 20.03.2017 and 20.09.2019 and to permit the petitioner to switch over to captive consumption/group consumption/third party sale and consequently direct the respondents/TANGEDCO to settle the dues of Rs.9,54,212/- to the petitioner as per invoices raised by the petitioner along with interest.

For Petitioner : Mr.K.J.Parthasarathy

For Respondents : Mr.Abul Kalam
Standing Counsel

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents to terminate the existing Energy Purchase Agreements (EPAs) dated 20.03.2017 and 20.09.2019 and execute fresh Energy Wheeling Agreements under Captive Consumption/Group Captive/Third Party Scheme as per the Common Order of this Court dated 30.08.2019 passed in W.P.No.5196 of 2019 etc., batch which was upheld



by the Hon'ble First Bench of this Court dated 18.02.2020 in W.A.No.4189 of 2019 etc., batch and thereafter by the Hon'ble Supreme Court by its order dated 24.09.2020.

2. Heard Mr.K.J.Parthasarathy, learned counsel for the petitioner and Mr.Abul Kalam, learned Standing Counsel appearing for the respondents.

3. The petitioner had earlier entered into Energy Purchase Agreements dated 20.03.2019 and 20.09.2019 for their WEG. Under the Energy Purchase Agreements, payments have not been made by the respondents. The petitioner seeks for conversion of the Energy Purchase Agreements to an Energy Wheeling Agreement under the captive consumption/group captive/third party sale. In similar circumstances, in respect of other companies who had also entered into Energy Purchase Agreements and payments were defaulted, writ petitions were filed and they were allowed for converting Energy Purchase Agreement into Energy Wheeling Agreement under the Captive Consumption/Group Captive/Third Party Sale. The following are the writ petitions in which similar orders were passed as the one sought for by the petitioner in this writ petition:



(a) Order dated 26.10.2021 passed in W.P.No.22695 of 2021 (Orange Valley Windmills Pvt. Ltd., vs. Tamil Nadu Generation and Distribution Corporation Ltd and three others)

(b) Order dated 20.01.2022 passed in W.P.Nos.519, 523 & 524 of 2022 (Pioneer NF Forging India Pvt., Ltd., vs. Tamil Nadu Generation and Distribution Corporation Ltd and others)

(c) Order dated 30.08.2019 passed in batch of writ petitions, namely W.P.No.5196 of 2018 etc batch.

4. In all the aforementioned writ petitions, almost identical directions were issued by the respondents which are as follows:

(a) The respondent/TANGEDCO is directed to permit the petitioner to switch over to captive consumption/group captive consumption/third party sale, as the case may be, as per the request made by the petitioner;

(b) the respondent/TANGEDCO is directed to settle the respective dues to the petitioner 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 that order;



(c) Consequently, in view of permitting the petitioner to migrate from EPA to EWA, the proceedings issued by the 1st respondent deciding not to concede any request for migration is set aside.

5. Since the petitioner is also similarly placed, the directions issued by this Court earlier shall hold good for this petitioner also.

6. In terms of the above directions extracted supra, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

12.07.2022

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Index:Yes/No

Internet:Yes/No

Speaking/Non-speaking orders



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ABDUL QUDDHOSE, J.
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