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W.P.Nos.16643, 16646, 16648, 16653, 16654 & 16657 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.07.2022

CORAM

**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

W.P.Nos.16643, 16646, 16648, 16653, 16654 & 16657 of 2022

WP.No.16643/2022

M/s. The Ramco Cements Limited,  
Rep. by its General Manager – Legal,  
T.Mathivanan,  
Auras Corporate Centre, V Floor,  
98-A, Dr.Radhakrishnan Salai,  
Mylapore, Chennai – 600 004.

.. Petitioner

*Vs.*

- 1.Tamil Nadu Generation and Distribution Corporation Ltd., (TANGEDCO),  
Rep. by its Chairman cum Managing Director,  
10<sup>th</sup> Floor, 144, Anna Salai,  
Chennai – 600 002.
- 2.The Chief Engineer/NCES,  
TANGEDCO,  
2<sup>nd</sup> Floor,  
144, Anna Salai, Chennai – 600 002.
- 3.The Superintending Engineer,  
TANGEDCO,  
Udumalpet Electricity Distribution Circle,  
Udumalpet.



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4. Director Finance,  
Tamil Nadu Generation and Distribution  
Corporation Limited,  
144, Anna Salai,  
Chennai – 600 002.

.. Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, to direct 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> respondents to allow Utility Change by terminating the existing Energy Purchase Agreements dated 27.03.2014 respectively and execute fresh Energy Wheeling Agreement for their own Captive Consumption at their HTSC No.069094400069 of the energy generated in petitioner's WF HTSC Nos.039214340838 (Old No.U1465), 039214340840 (Old No.U1468), 039214340841 (Old No.U1469), 039214340855 (Old No.U1522) and 039214340857 (Old No.U1532), 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 EPAs dated 27.03.2014 as per their respective invoices along with interest at 1% per month for any delay in payments.

For Petitioner : Mr.R.S.Pandiyaraj  
(in all WPs)

For Respondents : Mr.Abul Kalam,  
(in all WPs) TANGEDCO



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**COMMON ORDER**

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These Writ Petitions have been filed for a Mandamus, directing the first, second and third respondents to allow Utility Change by terminating the existing Energy Purchase Agreements dated 27.03.2014, 27.01.2011, 26.08.2009, 26.08.2009, 17.03.2022, 26.08.2009 and 26.08.2009 respectively and execute fresh Energy Wheeling Agreements for their own Captive Consumption at their HTSC No.069094400069 of the energy generated in petitioners' WF HTSC Nos.039214340838 (Old No.U1465), 039214340840 (Old No.U1468), 039214340841 (Old No.U1469), 039214340855 (Old No.U1522), 039214340857 (Old No.U1532), 059214500069 (Old No.D69), 059214500076 (Old No.D76), 059214500097 (Old No.D97), 059214500098 (Old No.D98), 059214500099 (Old No.D99), 059214500100 (Old No.D100), 059214500101 (Old No.D101), 059214500102 (Old No.D102), 059214500115 (Old No.D115), 059214500116 (Old No.116), 039224391365, 059214500117 to 059214500122 (Old Nos.D117 to D122), 059214500129 (Old No.D129) and 059214500132 to 059214500134 (Old Nos.D132 to D134) respectively, as per the Common Order of this Court dated 30.08.2019 which was upheld by the Hon'ble Division Bench dated



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18.02.2020 and also by the Hon'ble Supreme Court of India dated 24.09.2020.

2. Mr.Abul Kalam, learned counsel for TANGEDCO accepts notice on behalf of the respondents. By consent of both parties, these Writ Petitions are taken up for final disposal in the admission stage itself.

3. Heard Mr.R.S.Pandiyaraj, learned counsel appearing for the petitioners and Mr.Abul Kalam, learned counsel for the respondents.

4. The petitioners had earlier entered into Energy Purchase Agreements dated 27.03.2014, 27.01.2011, 26.08.2009, 26.08.2009, 17.03.2022, 26.08.2009 and 26.08.2009 respectively, for their WEGs. Under the Energy Purchase Agreements, payments have not been made by the respondents. The petitioners seek for conversion of the Energy Purchase Agreements to an Energy Wheeling Agreements under the third party sale.

5. In similar circumstances, in respect of other companies who had also entered into Energy Purchase Agreements and payments were



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defaulted, Writ Petitions were filed and they were allowed for converting Energy Purchase Agreement into Energy Wheeling Agreement under the Group Captive Scheme. The following are the Writ Petitions in which similar orders were passed as the one sought for by the petitioners in these Writ Petitions:

(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.

**6.** In all the aforementioned Writ Petitions, almost identical directions were issued by the respondents which are as follows:

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



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(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 the order;

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

7. Since the petitioners are also similarly placed, the directions issued by this Court earlier shall hold good for these petitioners also.

8. Learned standing counsel appearing for the respondents has no objection for this Court to pass similar order, as was passed in the above mentioned Writ Petitions.

9. In terms of the above directions extracted supra, these Writ Petitions are disposed of. No costs.

**01.07.2022**

Index: Yes/No

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To

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4. Director Finance,  
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**ABDUL QUDDHOSE,J.**

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