



W.P.Nos.16754 & 16763 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 04.07.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.Nos.16754 & 16763 of 2022
and W.M.P.Nos.16067 & 16072 of 2022

M/s.Shri Dhanalakshmi Green Energy India P Ltd.,
Rep by its Authorized Signatory N.Neelaraj,
S.F.No.226/3, NH 47, Avinashi Road,
Karumathampatti - 641 659,
Coimbatore District.

.. Petitioner in W.P.No.16754 of 2022

M/s.Prospun Textile India (P) Ltd.,
Rep by its Authorized Signatory K.Manoharan
HTSC No.039094320615
S.F.No.234/1,2 Mettubavi Village,
Poorandampalayam Road, Vadachittur Via,
Pollachi Taluk,
Coimbatore - 641 202.

.. Petitioner in W.P.No.16763 of 2022

Vs.

- 1.Tamil Nadu Electricity Regulatory
Commission, Rep by its Secretary,
19-A, RukminiLakshmipathy Salai,
(Marshall's Road)
Egmore, Chennai - 600 008.
- 2.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai - 600 002.



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

.. Respondents 1 to 3 in both WPs

4. The Superintending Engineer,
TANGEDO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

5. The Chief Engineer, NCES,
TANGEDCO, 2nd Floor,
144, Anna Salai, Chennai - 600 002.

.. Respondents 4 & 5 in W.P.No.16754 of 2022

4. The Superintending Engineer,
TANGEDCO,
Coimbatore (South) Electricity Distribution Circle,
Coimbatore.

5. The Superintending Engineer,
TANGEDCO,
Palladam Electricity Distribution Circle,
Palladam.

.. Respondents 4 & 5 in W.P.No.16763 of 2022

Prayer in WP.No.16754/2022: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, forbearing 4th and 5th respondents and their men, agents from demanding and collecting wheeling & other open access charges and any arrears from the Petitioner's Wind Mills till the entire outstanding dues of Rs.86,90,906/- payable to the petitioner towards cost of the wind energy supplied by the



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petitioner to the respondents for the period 2016-2017 along with interest of 1 % per month for the delay in settlement of invoices.

Prayer in WP.No.16763/2022: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, forbearing the respondent and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner until the respondent makes payment of the outstanding dues of Rs.7,80,112/- (for the year of 2021-22) payable to the petitioner or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

For Petitioners : Mr.R.S.Pandiyaraj
(in both WPs)

For Respondents : Mr.L.Jai Venkatesh
(in both WPs) Standing Counsel, TNEB

COMMON ORDER

By consent of both the parties, these Writ Petitions have been taken up for final disposal at the admission stage itself.

2. The petitioners have entered into the Energy Wheeling Agreements with the respondents. According to the petitioners, the respondents have not paid the outstanding dues under the said Energy Wheeling Agreements.



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According to the petitioners, the respondents are due and payable to them a sum of Rs.86,90,906/- and Rs.7,80,112/- for the year 2016-2017 and 2021-2022 respectively. Since the respondents have not paid the outstanding dues, the petitioners seek for adjustment of the outstanding amounts from and out of the current consumption charges that will have to be paid by the petitioner in future.

3. Similarly placed consumers as that of the petitioners had filed a batch of Writ Petitions and by order dated 28.10.2021 in W.P.No.6776 of 2018 batch, this Court directed the respondents to adjust the outstanding amount payable to the petitioners towards the current consumption charges/ open access charges payable by the respective petitioners in those Writ Petitions in the future. The petitioner seeks for similar direction from this Court.

4. The learned Standing Counsel appearing for the respondents has also not raised any serious objection, if similar direction is issued by this Court.



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5. Accordingly, this Court directs the respondents to adjust the outstanding amounts due and payable to the petitioners under the Energy Wheeling Agreements towards the current consumption charges/open access charges payable by the petitioners in the future. As directed in the batch of Writ Petitions, the respondents shall also not take any coercive steps to disconnect the electricity connection of the petitioners until the outstanding amounts due and payable is completely adjusted towards the current consumption charges/open access charges payable by the petitioner.

6. With the aforesaid directions, these Writ Petitions are disposed of.

No costs. Connected miscellaneous petition are closed.

04.07.2022

Speaking/Non-speaking order
Index: Yes/No

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ABDUL QUDDHOSE,J.

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To

- 1.The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19-A, RukminiLakshmipathy Salai,
Marshall's Road, Egmore, Chennai - 600 008.
- 2.The Chairman,
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai, Chennai - 600 002.
- 3.Director Finance,
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai, Chennai - 600 002.
- 4.The Superintending Engineer, TANGEDO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.
- 5.The Chief Engineer, NCES,
TANGEDCO, 2nd Floor,
144, Anna Salai, Chennai - 600 002.
- 6.The Superintending Engineer, TANGEDCO,
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Coimbatore.
- 7.The Superintending Engineer, TANGEDCO,
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