



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M. DHANDAPANI

W.P.No.18122 of 2020

Arkay Energy (Rameswaram) Limited
Represented by its authorised signatory
No.20 (Old No.29), Chamiers Road,
Nandanam,
Chennai-600 035.

...Petitioner

Vs

Tamilnadu Generation and Distribution Company Ltd
(TANGEDCO)
Represented by its
Chairman cum Managing Director,
No.144, Anna Salai,
Chennai-600 002.

...Respondent

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondent to pay a sum of Rs.5,02,94,200/- (Rupees Five Crores Two Lakhs Ninety Thousand and Two Hundred only) along with interest at the rate 15% per annum to the petitioner in pursuance of the 40 MW power supplied to the TNEB from natural gas based power plant of the petitioner herein as per Tender No.3 of 2008-09 dated 24.12.2008, awarded to the petitioner herein vide LOA dated 29.01.2009, for a period between 02.02.2009 to 30.06.2009.

For Petitioner :Mr. Anirudhkrishnan
For Respondents : Mr. L. Jaivenkatesh,
Standing Counsel

O R D E R

The present petition has been filed seeking a direction to the respondent to pay a sum of Rs.5,02,94,200/- along with interest at the rate 15% per annum to the petitioner in pursuance of the 40 MW power supplied to the TNEB.



2. It is the case of the petitioner that TNEB had been purchasing 200 MW of power from the petitioner as the petitioner was a successful bidder in the Tender called for by the TNEB, for which the payments were made by the respondents on a monthly basis. While being so, at request of the respondents, the petitioner after entering into a contractual agreement, started supplying additional amount of energy from February 2009 and the petitioner had also been supplying excess power to the respondent's grid at the request made by the respondents, for which the dues to the tune of Rs.5.7 Crores have not been paid by the respondents for over a past decade. Hence, the present petition has been filed seeking the aforesaid relief.

3. Learned counsel for the petitioner submits that this Court vide its order dated 16.12.2020 had directed the respondents to release 50% of the total dues of Rs.5,02,95,220/-, pursuant to which the respondents have released 50% of the dues in favour of the petitioner. However, the balance amount is yet to be released by the respondents. Hence, this Court may direct the respondents to release the balance 50% of the dues in favour of the petitioner within the time stipulated by this Court.

4. Learned Standing counsel for the respondents submits that the balance admitted amount of dues will be released in favour the petitioner within a period of four weeks.

5. Taking note of the submission made by the learned counsel for respondents, this Court directs the respondents to release the balance 50% of the admitted dues in favour of the petitioner within a period of four weeks from the date of receipt of a copy of this order, if there is no legal impediments.

6. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

NHS



To

Tamilnadu Generation and Distribution Company Ltd
(TANGEDCO)

Represented by its
Chairman cum Managing Director,
No.144, Anna Salai,
Chennai-600 002.

+1 CC to Mr. Anirudhkrishnan, Advocate sr 4075
+1 CC to Mr. L. Jaivenkatesh, Advocate sr 4231.

W.P.No.18122 of 2020

PCH(CO)
SP(07/03/2022)