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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 01.02.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO.23476 OF 2021

AND

W.M.P. NO. 24722 OF 2021

M/s.Pandian Chemicals Ltd.
regd. Office : 17-A, Vallabhai Road
Chokkikulam, Madurai 625 002
rep. by its General Manager &
Secretary K.Sathiavan

... Petitioner

- Vs -

1. The Tamil Nadu Generation
& Distribution Corporation
TANGEDCO, 10th Floor
Eastern Wing, N.P.K.R.R. Maligai
144, Anna Salai, Chennai 600 002
rep. by its Chairman & Managing Director
2. The Chief Engineer
Non-Conventional Energy Sources (NCES)
TANGEDCO, 2nd Floor, Eastern Wing
144, Anna Salai, Chennai 600 002.
3. The Superintending Engineer
TANGEDCO
Sivaganga Electricity Distribution Circle/North
Sivaganga.
4. The Superintending Engineer
TANGEDCO
Kanyakumari Electricity Distribution Circle
Kanyakumari.
5. Tamil Nadu Electricity Regulatory Commission
6th Floor, SIDCO Corporate Office Building
Thiru. Vi. Ka. Industrial Estate
Guindy, Chennai 600 032
through its Secretary.

... Respondents



Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing 1st to 4th respondents to strictly adhere to the terms of the subsisting Energy Wheeling Agreement dated 30.11.2009 between the petitioner and TANGEDCO by continuing to adopt the arrangement of captive adjustment of the wind energy generated in the petitioner's WEG Nos.0792047400002 (Old No.02) and 0792047400003 (Old No.03) in Kanyakumari Electricity Distribution Circle against the petitioner's own HTSC No.059094600044 in Sivagangai Electricity Distribution Circle and consequently account for all the generated units with appropriate banking facility and adjustments of all such units for the period from 09/2021.

For Petitioners : Mr. R.S.Pandiyaraj

For Respondents : Mr. L.Jai Venkatesh for RR-1 to 4

ORDER

The present petition has been filed for a direction to the respondents to strictly adhere to the terms of the Energy Wheeling agreement by continuing to adopt the arrangement of captive adjustment of wind energy generated by the petitioner.

2. When the matter is taken up for hearing, learned counsel appearing for the petitioner to the notice of this Court that vide order dated 27.01.2022 in W.P. No.16104/2021, etc. Batch, this Court had disposed of the petitions filed by the petitioners with a direction to strictly adhere to the terms of the subsisting Energy Wheeling Agreement entered into between the respective petitioners therein and TANGEDCO by continuing to adopt the arrangement of captive adjustment of wind energy generated and to consequently account for all the generated units and to provide banking facility and adjustment of all such units till date as per the orders passed by APTEL in Appeal No.191/2018, etc., Batch, dated 28.1.2021 and pass orders in consonance with the orders passed by APTEL and, therefore, it is submitted that similar order may be passed in this petition as well.

3. Learned Addl. Government Pleader appearing for the respondents fairly concedes with the said submission.

4. This Court, vide order dated 27.01.2022 in W.P. No.16104/2021, etc. Batch, while considering identical issue, disposed of the petitions strictly adhere to the terms of the subsisting Energy Wheeling Agreement entered into between the respective petitioners and TANGEDCO by continuing to adopt the arrangement of captive adjustment of wind energy generated and



to consequently account for all the generated units and to provide banking facility and adjustment of all such units till date as per the orders passed by APTEL in Appeal No.191/2018, etc., Batch, dated 28.1.2021 and pass orders in consonance with the orders passed by APTEL. The present petition, being on identical set of facts and circumstances, the order passed in W.P. No.16104/2021, etc. Batch, is squarely attracted and, therefore, similar directions need to be given in this petition as well.

5. Accordingly, the writ petition is disposed in terms with the order passed in W.P. No.16104/21 dated 27.01.2022 and the respondents are directed to give all the benefits to the petitioner herein, as has been provided in the aforesaid order. Consequently, connected miscellaneous petition is closed. However, in the circumstances of the case, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Chairman & Managing Director
Tamil Nadu Generation
& Distribution Corporation
TANGEDCO, 10th Floor
Eastern Wing, N.P.K.R.R. Maligai
144, Anna Salai, Chennai 600 002
2. The Chief Engineer
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Sivaganga.



4. The Superintending Engineer
TANGEDCO
Kanyakumari Electricity Distribution Circle
Kanyakumari.

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5. The Secretary
Tamil Nadu Electricity Regulatory Commission
6th Floor, SIDCO Corporate Office Building
Thiru. Vi. Ka. Industrial Estate
Guindy, Chennai 600 032.

+1cc to Mr. R.S.Pandiyaraj, Advocate, S.R.No.6751

W.P. NO.23476 OF 2021

SRA (CO)
PM/14/02/2022