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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.25654 OF 2021

AND

W.M.P. Nos.27085 & 27086 OF 2021

G.Kalpana Wind Mill,
WEG Nos.079204700026,
98/315-A, PKSA Arumugam Road, Sivakasi-626 189.
Rep. By its Authorised Signatory K. Padamanabhan

... 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
Tuticorin Electricity Distribution Circle,
Tuticorin.
4. 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 the 2nd Respondent to grant long term intra state open access approval to the petitioners Wind Energy Generators WF.HT SC.Nos. 079204700026 on the petitioners application dated 14.6.2021 to the 2nd respondent and consequently direct the 3rd respondent to



execute fresh Energy Wheeling Agreement for the petitioners Wind Energy Generator Nos.079204700026 under group captive scheme as per the Wind Tariff order issued by the 4th respondent TNERC and consequently account for all the generated units from 1/2019 of the petitioner WEGs NOs. 079204700026 and make payment for such unit at the appropriate tariff fixed by the 4th respondent.

For Petitioners: Mr. R.S.Pandiyaraj

For Respondents: Mr. JaiVenkatesh
Standing Counsel

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 Standing Counsel 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(CS-VII)

// True Copy //

Sub Assistant Registrar

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To

1.The Chairman & Managing Director

The 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

Non-Conventional Energy Sources (NCES)
TANGEDCO, 2nd Floor, Eastern Wing
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3. The Superintending Engineer

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Tuticorin Electricity Distribution Circle,
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4. Tamil Nadu Electricity Regulatory Commission
6th Floor, SIDCO Corporate Office Building
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through its Secretary.

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+1cc to Mr.R.S.Pandiyaraj, Advocate SR.No.6750

W.P. NO.25654 OF 2021

KG(CO)
CB(05/04/2022)