



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.6958 of 2017 and
W.M.P.(MD)Nos.5490 & 5491 of 2017

VVD and Sons Private Limited,
Represented by its Executive Director Mr.D. Kabilan,
Registered Office at No.182, Palayamkottai Road,
Thoothukudi-628 003. ... Petitioner

Vs.

1. The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Represented by its Chairman and Managing Director,
144, Anna Salai, Chennai-600 002.
2. The Superintending Engineer,
Solar Energy, Non-Conventional Energy Sources(NCES),
Tamil Nadu Generation and Distribution,
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai-600 002.
3. The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
TANGEDCO, Virudhunagar.
4. The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
TANGEDCO, Tuticorin. ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent's impugned communication bearing Lr. No. SE/ VDR/ DFC/



AO/Rev/AAO/HT/F. Solar No.26/196 17 dated 01.03.2017 issued to the petitioner for their HT SC Solar No.026, quash the same and direct the respondents 1 to 3, their men, officers, agents, representatives assigns, etc., to duly and punctually pay to the petitioner the sum of Rs.6.28 per unit with AD benefit as agreed under the Energy Purchase Agreement (EPA) dated 03.08.2015 .

For Petitioner : Mr.N.L.Rajah,
Senior Counsel,
for Mr.A.Saravana Kumar.

For Respondents: Mr. Dheena Dhayalan,
Standing Counsel.

* * *

ORDER

Heard the learned Senior counsel appearing for the writ petitioner and the learned Standing counsel appearing for the respondents TANGEDCO.

2. The issue raised in this writ petition is squarely covered by the order dated **20.10.2021** made in ***W.P.(MD) No.19703 of 2017 etc. batch (Pariyur Amman Spinning Mills (P) Ltd., Rep. By P.M.Viswanathan V. Tamil Nadu***



**Generation and Distribution Corporation Ltd.,
(TANGEDCO), Chennai and others).** In the said order, it

was held as follows:-

“ 15. The above clause in no uncertain terms states that the order shall be applicable to all solar power plants “commissioned” during the control period of this order. Therefore, the applicability of the tariff order is based on commissioning and the above Clause does not mandate COD.

16. Clause 10. 2 of the order fixes the tariff at Rs.7.01 per unit for solar PV projects. The control period was initially set for one year and later through order dated 01.04.2015, it was extended up to 31.03.2016. The reason for the extension of the control period has also been elaborately stated in the extension order.

... 34. In view of the above discussion, the impugned communication issued to the petitioners are hereby quashed as illegal, arbitrary and without any authority of law and there shall be a direction to the respondents to strictly comply with the Tariff Order



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No.7 of 2014 dated 12.09.2014 and Tariff Order No. 4 of 2015 dated 01.04.2015 passed by the TNERC and make payment for the solar energy supplied by the petitioners at the rate of Rs.7.01 per unit. If the respondents have paid the petitioners at the rate of Rs. 5.10 per unit for the solar energy supplied by the petitioners, the balance amount shall be paid with interest at the rate of 6% per annum from the date it became due and payable till the date of actual payment. If the respondents have committed default even insofar as the payment of tariff at the rate of Rs. 5.10 per unit, the entire amount at the rate of Rs. 7.01 per unit shall be paid with interest at the rate of 6% per annum from the date it became due and payable till the date of actual payment. ”

3. The learned Standing counsel does not dispute the contention advanced by the learned counsel appearing for the petitioner. Therefore, respectfully following the aforesaid order, the communication impugned in this writ petition is quashed.



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4. It is stated that the writ petitioner herein is not only the generator of solar energy but also a HT consumer. During the pendency of the writ petition, this Court granted interim injunction restraining the TANGEDCO from demanding or collecting the consumption charges. While disposing the similar writ petitions finally, a learned Judge of this Court vide order dated **28.10.2021** in ***W.P.(MD) No.6776 of 2018 etc. batch (M/s.Rajaguru Spinning Mills P. Ltd., Pallipalayam, Erode V. The Tamil Nadu Electricity Regulatory Commissioner, Rep. By its Secretary, Chennai and others)*** issued the following directions:-

“ 11. In view of the above, all these Writ Petitions are Disposed of with the following directions:-

(a) In all those cases where the TANGEDCO has acted upon the interim orders passed by this Court and the entire outstanding amounts due and payable has been adjusted, those writ petitions will be rendered infructuous since the grievance of those petitioners stands redressed;

(b) In those cases where the TANGEDCO is in the process of adjusting the outstanding amount due, such



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adjustment shall be continued till the entire outstanding amount is adjusted towards the current consumption charges / open access charges payable by the respective petitioners and

(c) the TANGEDCO shall not take any coercive steps to disconnect the electricity connection to the petitioners until the outstanding amounts due and payable is completely adjusted towards the current consumption charges/ open access charges payable by the petitioners. ”

5. This writ petition stands disposed of on the same lines. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes/ No

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G.R.SWAMINATHAN,J.

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