



W.P.No.7046 of 2015

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.01.2023

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.7046 of 2015

&

M.P.No.1 of 2015

PPN Power Generating Company Private Ltd
III Floor, Jhaver Plaza,
1A, Nungambakkam High Road,
Chennai – 600 034.

Represented by its Managing Director

... Petitioner

Vs

1. Tamil Nadu Generation and
Distribution Corporation Ltd.

144, Anna Salai, Chennai – 600 002.

Represented by its Chairman & Managing Director.

2. The Hon'ble Tamil Nadu Electricity Regulatory Commission,
No.19A, Rukmani Lakshmipathy Salai,

Egmore, Chennai – 600008.

Represented by its Secretary.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the 1st respondent herein to forthwith pay the petitioner the sum of Rs.270.55 Crores, being the interest due and payable to the petitioner against delayed payments for the power that has been supplied by the petitioner to the 1st respondent herein.

For Petitioner : Mr.Rahul Balaji

For Respondents : Mr.P.S.Raman, Senior Counsel
for Mr.D.Jayasekar,



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for Mr.D.R.Arunkumar
Standing Counsel

ORDER

Prayer by the petitioner company is for a mandamus directing the Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO/R1) to pay a sum of Rs.270.55 Crores being interest due and payable to the petitioner against delayed invoice payment for the power that has been supplied by the petitioner to R1.

2. Admittedly, principal in respect of which interest is sought is settled as early as on March 2011. Both Mr.Rahul Balaji, learned counsel for the petitioner and Mr. P.S.Raman, learned Senior Counsel appearing for Mr.D.Jayasekar, learned counsel for R1 would agree that mandamus as sought for cannot be granted.

3. This is for the reason that petitioner had approached the Appellate Tribunal for Electricity(APTEL) by way of execution petition in E.P.No.02 of 2014. To be noted that before me the parties are in consensus that interest is to be paid. The APTEL was of the view that the invoices should conform to a specified form. This specification did not find favour with the petitioner. Thus, the order of the APTEL directing the petitioner to re-draw invoices in a specified



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format was carried out in the appeal before the Hon'ble Supreme Court in C.A.No.5018 of 2015, where the matter is pending as on date.

4. The payment of interest would thus have to await the decision of the Hon'ble Supreme Court in Civil Appeal and this Court is not in a position to consider or grant Mandamus as sought for.

5. To be noted that the present Writ petition relates to a claim for interest for the period 14.06.2011 and 12.02.2015, whereas the matter pending before the Hon'ble Supreme Court is for the period prior to 14.06.2011. However, the petitioner accedes to the position that the same principles in regard to the claim for interest as laid down by the APTEL will be applicable for the present period as well.

6. Suffice it to close this Writ petition stating that the matter will be pursued by the parties based upon the ultimate decision to be taken by the Hon'ble Supreme Court and there are no fetters laid upon the petitioner in pursuing its claim in this regard. No costs. Consequently, connected miscellaneous petition is closed.

mpl
Index : Yes / No
Speaking Order/Non-Speaking Order

10.01.2023



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Dr.ANITA SUMANTH, J.

mpl

To

- 1.Tamil Nadu Generation and
Distribution Corporation Ltd.
144, Anna Salai, Chennai – 600 002.
Represented by its Chairman & Managing Director.
- 2.The Hon'ble Tamil Nadu Electricity Regulatory Commission,
No.19A, Rukmani Lakshmipathy Salai,
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Represented by its Secretary.

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