



W.P.No.12726 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.12726 of 2023

M/s.Karmen Engineering Services LLP,
Represented by its Designated Partner,
Ramganesan Venkatesan,
Plot No.12, Ponnamman Nagar Road,
Ayanambakkam,
Chennai - 600 095.

... Petitioner

Vs.

1. The Chairman,
TANGEDCO,
144, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer, NCES,
TANGEDCO,
2nd Floor,
144, Anna Salai,
Chennai – 600 002.
3. The Chief Financial Controller (General),
TANGEDCO,
7th Floor,
144, Anna Salai,
Chennai – 600 002.



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4. The Superintending Engineer,
TANGEDCO, Udumalpet EDC,
Udumalpet.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents for the termination of the PPA dated 31.03.2011 in HTSC.No.039224341001 and to execute energy wheeling agreement for captive consumption, based on the representation / application for migration to captive consumption vide application / representation dated 07.03.2023, in consonance with Common Order in W.P.Nos.5196 of 2019 and batch case dated 30.08.2019 passed by this Court, which was upheld by the Hon'ble Division Bench of this Court by its order dated 18.02.2020 in W.A.Nos.4189 of 2019 and batch cases and also by the Hon'ble Supreme Court of India by its order dated 24.09.2020 in S.L.P.(Civil)Nos.8513-8518 of 2020 with consequential direction directing the respondents to pay outstanding payment of Rs.1,44,49,233/- to the petitioner towards the wind energy sold by them to the respondent / TANGEDCO along with interest for delay in payments, as agreed in the agreement.

For Petitioner	:	Mr.Rahul Balaji for Mr.G.Maniprabhu
For Respondents	:	Mr.P.S.Raman, Senior Counsel for D.R.Arunkumar



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3. Heard Mr.Raghul Balaji, learned counsel appearing for the petitioner and Mr.P.S.Raman, learned Senior Counsel appearing for the respondents.

4. The issue involved in the present Writ Petition is covered by the earlier order passed by this Court in a batch of Writ Petitions in W.P.Nos.5196, 11725, 8459 and 8463 of 2019 and 6694 and 1275 of 2018 dated 30.08.2019. This order was subsequently confirmed by the First Bench of this Court in W.A.Nos.4189, 4194, 4197, 4201, 4204 and 4205 of 2019 dated 18.02.2020.

5. It was further confirmed by the Hon'ble Supreme Court by order dated 24.09.2020 wherein the Special Leave Petition filed by TANGEDCO was dismissed.



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6. In view of the above, this Writ Petition is allowed with the following directions:

(a) The respondents / TANGEDCO are directed to permit the petitioner to switch over to captive consumption / group captive consumption, as the case may be, as per the representation made by the petitioner.

(b) The respondents / TANGEDCO are directed to settle the respective dues to the petitioner as per their respective invoices raised by them, along with interest as per Clause 6(b), within a period of four months from the date of receipt of a copy of this order.

7. This Writ Petition is allowed accordingly. No costs.

06.06.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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To

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