



WEB COPY



W.P.No.13456 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.13456 of 2023

And

W.M.P.No.13135 of 2023

M/s.Hindustan Hardwares
repd. by its Authorized Signatory
Mr.S.Prabhu

... Petitioner

Vs.

1.Tamil Nadu Electricity Regulatory Commission
Repd. by its Secretary,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road),
Egmore, Chennai – 600 008.

2.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai – 600 002.

3.Director Finance
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai – 600 002.

4.The Superintending Engineer
TANGEDCO,
Dindigul Electricity Distribution Circle,
Dindigul.

... Respondents



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Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 3 and 4 to forthwith make payment of Rs.37,05,358/- which is due and payable for the solar energy generated and supplied by the petitioner to the respondent TANGEDCO for the period from April, 2022 to July, 2022 and further direct the respondents to pay interest @ 1% per month for the delay in settlement of the respective invoices beyond its due date till the date of actual payment.

For Petitioner : Mr.R.S.Pandiyaraj
For Respondents : Mr.D.R.Arun Kumar

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 3 and 4 to forthwith make payment of Rs.37,05,358/- which is due and payable for the solar energy generated and supplied by the petitioner to the respondent TANGEDCO for the period from April, 2022 to July, 2022 and further direct the respondents to pay interest @ 1% per month for the delay in settlement of the respective invoices beyond its due date till the date of actual payment.



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2.The case of the petitioner is that the petitioner owns solar power plant and produce electricity for the purpose of sale to electricity board. Accordingly, the petitioner sold solar energy generated for a sum of Rs.37,05,358/- to the respondent as per the tariff order issued by the TNERC and raised invoices for encashment of the same, however, the payment has not yet been made. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that this Court may issue direction to the respondents 3 and 4 to forthwith make payment of Rs.37,05,358/- which is due and payable for the solar energy generated and supplied by the petitioner to the respondent TANGEDCO for the period from April, 2022 to July, 2022.

4.The learned counsel appearing for TANGEDCO submitted that for non payment of the amount, there is effective alternative remedy available to the petitioner and the petitioner without exhausting such remedy has filed this writ petition which is not sustainable one.

5.Heard the arguments advanced on either side and perused the materials available on record.



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6.The facts in the present case is not in dispute. The petitioner claim that the petitioner sold solar energy generated to the respondents as per the agreement entered into between the petitioner and the respondents and raised invoices for encashment of Rs.37,05,358/- which is due and payable for the solar energy generated and supplied by the petitioner to the respondent TANGEDCO for the period from April, 2022 to July, 2022, however, the respondents have not yet paid the amount.

7.In view of the above, this Court directs the respondents 3 and 4 to pay the admitted amount, which is due and payable for the solar energy generated and supplied by the petitioner to the respondent TANGEDCO for the period from April, 2022 to July, 2022, to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

8.The writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petition is closed.

08.06.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No Internet: Yes/ No

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M.DHANDAPANI,J.
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