



WEB COPY



W.P.No.15463 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.15463 of 2023

And

W.M.P.No.15015 of 2023

M/s.East India Minerals Limited
Represented by its Executive Director
Mr.Champak Banerjee

... 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 Director – Finance
TANGEDCO,
7th Floor,
144, Anna Salai,
Chennai – 600 002.

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

... Respondents



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Prayer:

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Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents for the termination of the PPA dated 13.01.2009 and 24.09.2009 in HTSC No.778 and 1699 respectively and to execute energy wheeling agreement for captive consumption/ third party sale, based on the representation/ application for migration to captive consumption/ third party sale vide application/ representation dated 09.05.2023 and 12.05.2023, in consonance with Common Order in W.P.No.5196 of 2019 and batch case dated 30.08.2019 passed by this Hon'ble Court, which was upheld by the Hon'ble Division Bench of this Court by its order dated 18.02.2020 in W.A.No.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 also a with consequential direction directing the respondents 1 to 3 to pay outstanding payment of Rs.3,61,63,954/- 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.G.Mani Prabhu
For Respondents : Mr.D.R.Arun Kumar
Standing Counsel (TNEB)



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ORDER

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The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents for the termination of the EPA dated 13.01.2009 and 24.09.2009 in HTSC Nos.778 and 1699 respectively and to execute energy wheeling agreement for captive consumption/ third party sale, based on the representation/ application for migration to captive consumption/ third party sale vide application/ representation dated 09.05.2023 and 12.05.2023, in consonance with Common Order in W.P.No.5196 of 2019 and batch case dated 30.08.2019 passed by this Hon'ble Court, which was upheld by the Hon'ble Division Bench of this Court by its order dated 18.02.2020 in W.A.No.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 also a with consequential direction directing the respondents 1 to 3 to pay outstanding payment of Rs.3,61,63,954/- 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.

2.The case of the petitioner is that the petitioner is having two wind mills of 1250 KW capacity of Suzlon make situated within the



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jurisdiction of the fourth respondent and entered into Energy Purchase Agreement on 13.01.2009 and on 24.09.2009 with the fourth respondent. Since there was default in making payment, the petitioner submitted application for migration for captive consumption with the third respondent on 12.05.2023 and since the same has not yet been considered has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that without going into the merits of the case, this Court may issue direction to the respondents to consider the petitioner's representations dated 09.05.2023 and 12.05.2023 and to pass appropriate orders within a reasonable time frame.

4.The learned Standing Counsel appearing for the respondents submitted that the petitioner's representations dated 09.05.2023 and 12.05.2023 will be considered and appropriate orders will be passed, within the time frame that may be stipulated by this Court.

5.In view of the above, this Court, without expressing any opinion on the merits of the case, directs the respondents to consider the petitioner's representations dated 09.05.2023 and 12.05.2023 and



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pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

13.06.2023

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

To

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M.DHANDAPANI,J.
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