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W.P.No.16719 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16719 of 2023

Gupta Hair Products Private Limited,
WEG No.039224320149,
279, Sydenhams Road,
Chennai – 600 112,
Represented by its Authorised Signatory,
S.Harish Kumar

... Petitioner

Vs.

1. The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Represented by its Chairman and Managing Director,
10th Floor, 144, Anna Salai,
Chennai – 600 002.
2. The Chief Engineer / NCES,
TANGEDCO,
2nd Floor, 144, Anna Salai,
Chennai – 600 002.
3. The Director Finance,
Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
7th Floor, 144, Anna Salai,
Chennai – 600 002.



W.P.No.16719 of 2023

WEB COPY

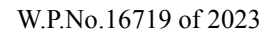
4. The Superintending Engineer,
TANGEDCO,
Coimbatore Electricity Distribution Circle / South,
Coimbatore.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 3 to allow the Utility Change / Migration of the WEG of the petitioner by terminating the existing Energy Purchase Agreement (EPA) dated 30.03.2010 for their WEG Nos.039224320149 and direct to execute a fresh Energy Wheeling Agreement (EWA) under the Group Captive / 3rd Party Sale Schemes, as per the common order of this Court dated 30.08.2019, which was upheld by the Hon'ble Division Bench by its order dated 18.02.2020 and also by the Hon'ble Supreme Court of India by its order dated 24.09.2020 and direct to make payment of the outstanding dues payable to the petitioner, towards the wind energy sold by the petitioner to the respondents from 04.06.2022 onwards to till the date of the termination of the EPA dated 30.03.2010, as per their respective invoices along with interest at 1% per months for the if any delay in payments.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Mr.P.S.Raman, Senior Counsel
for D.R.Arunkumar (TANGEDCO)



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2. The learned counsel appearing for the petitioner would submit that though the petitioner made a representation before the Chief Engineer, TANGEDCO, Chennai, however he has to send the representation



W.P.No.16719 of 2023

only to the Chief Financial Controller General, Chennai who is the competent authority.

3. Heard Mr.R.S.Pandiyaraj, 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.

6. In view of the above, this Court is inclined to dispose of the



W.P.No.16719 of 2023

Writ Petition with the following directions:

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(a) The respondents / TANGEDCO are directed to permit the petitioner to switch over to captive consumption / group captive consumption / 3rd party sale, 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 disposed of accordingly. No costs.

06.06.2023

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

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W.P.No.16719 of 2023

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WEB COPY

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WEB COPY



W.P.No.16719 of 2023

M.DHANDAPANI,J.

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W.P.No.16719 of 2023

06.06.2023