



WEB COPY



W.P. No.17130 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 09.06.2023**

CORAM :

**THE HONOURABLE MR. JUSTICE M. DHANDAPANI**

**W.P. No.17130 of 2023**

S.Kumar

Rep. by its Authorised Signatory,

Ramesh Kumara Duraisami,

No.602-3, Embassy Towers,

Jawahar Road, P.B.No.207, Rajkot – 360 001.

... Petitioner

Vs.

1. The Chairman,

TANGEDCO,

144, Anna Salai, Chennai - 600 002.

2. The Chief Financial Controller (General),

TANGEDCO,

7th Floor, 144, Anna Salai, Chennai - 600 002.

3. The Superintending Engineer,

TANGEDCO, Udumalpet EDC, Udumalpet.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to forthwith make the payment of Rs.1,12,09,812/- being the principal and interest till January 2023, along with subsequent interests, as per clause -6(2) of the agreement.

For Petitioner : Mr.G.Maniprabhu

For Respondents : Mr.L.Jai Venkatesh  
for TANGEDCO

**ORDER**

This writ petition has been filed seeking for issuance of a writ of



W.P. No.17130 of 2023

mandamus to direct the respondents to forthwith make the payment of Rs.1,12,09,812/- being the principal and interest till January 2023, along with subsequent interests, as per clause -6(2) of the agreement.

2. The case of the petitioner is that the petitioner was having a wind farm consisting of a windmill of 850 KW capacity of Gamesa situated in the jurisdiction of the third respondent and entered into an Energy Purchase Agreement on 29.03.2011 with the third respondent. As per clause 6(2) of the agreement, the payment to the generator shall be paid within 30 days of receipt of the bill and it also states that the delayed payment is liable to interest at the rate of 1% per month. Though the petitioner raised the bill every month, none of the bills were paid on time in spite of raising invoices. Hence, the petitioner has submitted a representation dated 06.03.2023 to the Chief Engineer, NCES, TANGEDCO, 2nd Floor, 144, Anna Salai, Chennai - 600 002 seeking to release payment from September 2020 to January 2023 amounting to Rs.1,12,09,812. Since no response was forthcoming, the present writ petition has been filed.

3. Learned counsel for the petitioner submits that the issue involved in the present writ petition was already allowed by this Court in a



W.P. No.17130 of 2023

batch of writ petitions, wherein this Court directed the respondents to make the payments to be payable to the petitioners therein. Hence, he prayed that this Court may direct the respondents to forthwith make the payment of Rs.1,12,09,812/- being the principal and interest till January 2023, along with subsequent interests to the petitioner.

4. On the above contentions heard learned standing counsel appearing for the respondents and perused the materials placed on record.

5. 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.

6. 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.



W.P. No.17130 of 2023

**M.DHANDAPANI, J.**

*rap*

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

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 weeks from the date of receipt of a copy of this order.

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

**09.06.2023**

**2/2**

*(rap)*

Index : Yes / No

Speaking order : Yes / No

NCC : Yes/No

To

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

**W.P. No.17130 of 2023**

**(2/2)**