



WEB COPY



W.P.Nos.18258 & 18260 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.18258 & 18260 of 2023

Sunbeam Generators P Ltd.,
WEG No.039224320150
R.S.No.24/3A, 3B, 3C & 3D, Canal Road,
Koodampakkam,
Puducherry-605 502
Repd.by its CEO P.R.Ashwath Krishna

. . . Petitioner
in W.P.No.18258 of 2023

Sunbeam Generators P Ltd.,
WEG No.039224320142
R.S.No.24/3A, 3B, 3C & 3D, Canal Road,
Koodampakkam,
Puducherry-605 502
Repd.by its CEO P.R.Ashwath Krishna

. . . Petitioner
in W.P.No.18258 of 2023

Vs.

1. Tamilnadu Generation and Distribution
Corporation Ltd, (TANGEDCO)
10th Floor, 144, Anna Salai,
Chennai-600 002,
Represented by its Chairman
and Managing Director



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2. The Chief Engineer/NCES,
TANGEDCO,
2nd Floor,
144, Anna Salai, Chennai-600 002.

3. The Director-Finance,
Tamilnadu Generation and Distribution
Corporation Ltd, (TANGEDCO),
7th Floor, 144, Anna Salai,
Chennai-600 002.

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

. . . Respondents
(in both petitions)

Prayer in W.P.No.18258 of 2023: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st, 2nd and 3rd Respondents 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.039224320150 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 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 month for the if any delay in payments.



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Prayer in W.P.No.18260 of 2023: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st, 2nd and 3rd Respondents to allow the Utility Change/Migration of the WEG of the Petitioner by terminating the existing Energy Purchase Agreement (EPA) dated 11.03.2010 for their WEG Nos.039224320142 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 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 11.03.2010 as per their respective invoices along with interest at 1% per month for the if any delay in payments.

In both Petitions:

For petitioner : M/s.R.S.Pandiaraj
For Respondents : Mr.D.R.Arunkumar,
Standing Counsel

ORDER

The above Writ Petitions have been filed for a direction to the respondents to allow the utility change/Migration of the WEG of the petitioners and for the termination of the Energy Purchase Agreement dated 30.03.2010 and 11.03.2010 in HTSC.Nos.039224320150 and



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039224320142 and execute fresh energy wheeling agreement (EWA) under the Group Captive/3rd Party Sale Schemes, as per the Common Order of this Court 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 as per their respective invoices along with interest at 1% per month for delay in payments.

2. The learned counsel appearing for the petitioners would submit that though the petitioners made a representation for Energy Purchase Agreement before the Chief Engineer NCES, TANGEDCO, Chennai, however they have to send the representation only to the Chief Financial Controller General, Chennai who is the competent authority.

3. Heard M/s.R.S.Pandiaraj, learned counsel appearing for the petitioners and Mr.D.R.Arunkumar, learned Standing Counsel appearing for the respondents.



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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, these Writ Petitions are allowed with the following directions:

(a) The respondents / TANGEDCO are directed to permit the petitioners 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 petitioners in respective



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Writ Petitions 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. These Writ Petitions are allowed accordingly. No costs.

20.06.2023

Index : Yes / No
Internet : Yes / No

NHS



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10th Floor, 144, Anna Salai,
Chennai-600 002,
Represented by its Chairman
and Managing Director
2. The Chief Engineer/NCES,
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2nd Floor,
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M.DHANDAPANI, J

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