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W.P.No.19455 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.19455 of 2023

and

W.M.P.No.18711 of 2023

M/s.Muthu Infra Private Limited,
Rep.by its Authorized Signatory,
Mr.Rameshkumaran Duraiswami,
No.55,(old No.28), 7th Cross,
Swimming Pool extension,
Sudendra Nagar, Malleshwaram,
Bangalore – 560 003

. . . 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,



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Udumalpet EDC, Udumalpet.

. . . Respondents

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Prayer: Writ 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's dated 01.07.2022 in HTSC No.WEG HTSC No.039244341194, WEG HTSC No.039244341196, WEG HTSC No.039244341197, and WEG HTSC No.039244341198, and to execute energy wheeling agreement for captive consumption, based on the representation / application for migration to captive consumption vide application / representation dated 18.06.2023, in consonance with Common Order in W.P.No.5196 of 2019 & 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 & 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.71,45,983/- 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.Maniprabhu

For Respondents : Mr.D.R.Arunkumar

ORDER

The above Writ Petition has been filed for a direction to the respondents for the termination of the Power Purchase Agreements dated



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01.07.2022 in HTSC No.WEG HTSC No.039244341194, WEG HTSC No.039244341196, WEG HTSC No.039244341197, and WEG HTSC No.039244341198 and to execute energy wheeling agreement (EWA) for captive consumption based on the representation dated 18.06.2023 and also directing the respondents 1 to 3 to pay the outstanding payment of Rs.71,45,983/- to the petitioner towards the wind energy sold by the petitioner to the Respondent / TANGEDCO along with interest for delay in payments, as agreed in the agreement.

2. The learned counsel appearing for the petitioner submits that though the petitioner 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 Mr.G.Maniprabhu learned counsel appearing for the petitioner and Mr.D.R.Arunkumar, learned 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, this Writ Petition is allowed with the following directions:

(a) The respondents / TANGEDCO are directed to permit the petitioner 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 petitioner as per their



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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 allowed accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

30.06.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

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M.DHANDAPANI, J

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To

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144, Anna Salai, Chennai – 600 002.
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