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Contempt Petition No.1834 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2023

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Contempt Petition No.1834 of 2023

M/s.Karmen Engineering Services LLP
Represented by its Designated Partner
Ramganesan Venkatesan

... Petitioner

Vs.

1.Mr.Rajesh Lakhoni, I.A.S.,
The Chairman,
TANGEDCO,
144, Anna Salai,
Chennai – 600 002.

2.Er.N.Gunasekaran
The Chief Engineer, NCES,
TANGEDCO,
2nd Floor, 144,
Anna Salai,
Chennai – 600 002.

3.Ms.K.Malarvizhi
The Chief Financial Controller (General)
TANGEDCO,
7th Floor, 144,
Anna Salai,
Chennai – 600 002.

4.Er.M.Rasathi
The Superintending Engineer,
TANGEDCO,
Udumalpet EDC, Udumalpet.

... Respondents



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Prayer :

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Contempt petition filed under Section 11 of Contempt of Courts Act praying to punish the respondents for wilfully disobeying the order passed by this Hon'ble Court in W.P.No.12726 of 2023 dated 06.06.2023.

For Petitioner : Mr.G.Mani Prabhu

For Respondents : Mr.P.S.Raman
Senior Counsel
Assisted By
Mr.D.R.Arun Kumar

O R D E R

This contempt petition is filed alleging willful disobedience of the order dated 06.06.2023 made in W.P.No.12726 of 2023.

2.The petitioner filed W.P.No.12726 of 2023 seeking issuance of Writ of Mandamus, directing the respondents for the termination of the PPA dated 31.03.2011 in HTSC.No.039224341001 and to execute energy wheeling agreement for captive consumption, based on the representation / application for migration to captive consumption vide application / representation dated 07.03.2023, in consonance with



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Common Order in W.P.Nos.5196 of 2019 and batch case dated 30.08.2019 passed by this Court, which was upheld by the Hon'ble Division Bench of this Court by its order dated 18.02.2020 in W.A.Nos.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 with consequential direction directing the respondents to pay outstanding payment of Rs.1,44,49,233/- 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.

3.This Court vide order dated 06.06.2023 allowed the writ petition in W.P.No.12726 of 2023 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.



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(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 the order.'

Since the said order was not complied with, the petitioner has filed this writ petition.

4.Pursuant to the statutory notice ordered on 17.11.2023, the respondents 2 to 4 / contemnors, appeared before this Court today (15.12.2023). The further appearance of the respondents 2 to 4/ contemnors is dispensed with.

5.The learned Senior Counsel appearing for the respondents submitted that the Central Government issued Notification dated 03.06.2022 in G.S.R.416(E) and as per Rule 5 Liquidation of arrears of the said Notification, if the amount is more than Rs.10 Crores, the sick industry like TANGEDCO is permitted to pay the amount by way of 48 installments. In the present case, TANGEDCO has paid a sum



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Rs.80,27,424/- as on 12.12.2023 to the petitioner by way of 17 installments and TANGEDCO has to pay the balance amount of Rs.49,97,681/- to the petitioner. He further submitted that the balance amount of Rs.49,97,681/- will be paid to the petitioner by way of 31 installments in future course as per the Late Payment Surcharge Rules, 2022.

6.Recording the submission made by the learned Senior Counsel appearing for the respondents, this Contempt Petition is closed.

15.12.2023

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



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M.DHANDAPANI,J.

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15.12.2023