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W.P.No.27919 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.27919 of 2023

Prisan Wind Mill Division (P) Ltd.,
Represented by its Authorised Signatory,
Mr.K.Paramasivam,
No.119, Bhavani Main Road,
Erode – 638 004.

... Petitioner

Vs.

1.Tamil Nadu Generation & Distribution Corporation Ltd.,
(TANGEDCO)
Represented by its Chairman & Managing Director,
No.144, Anna Salai,
Chennai – 600 002.

2.The Director (Finance)
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai
Chennai-600 002.

3.The Chief Financial Controller/Revenue
TANGEDCO,
7th Floor, East Wing,
No.144, Anna Salai,
Chennai – 600 002.



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

5.The Superintending Engineer,
TANGEDCO,
Erode Electricity Distribution Circle,
Erode.

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, forbearing the respondent and their men, agents from collecting current consumption charges, deemed charges and any arrears from the petitioner until the respondent makes payment of the outstanding dues of Rs.17,41,460/- payable to the petitioner towards unutilized banked energy units generated through the Petitioner's Windmill bearing HTSC No.039224320138 of Coimbatore EDC based on Invoices dated 10.09.2021 and 15.08.2022 sent by the Petitioner to the 4th Respondent or give adjustment in the current consumption charges payable by the petitioner in respect of HTSC No.049094260426 of Erode EDC till the entire outstanding amount is adjusted.

For Petitioner : Mr.S.Senthil
For Respondents : Mr.I.Syed Sibghatulla
Standing Counsel for TANGEDCO

ORDER



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By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner is a captive generator, and it has sold the surplus electricity it has generated to the TANGEDCO. In this regard, the TANGEDCO owes the petitioner a sum of Rs.17,41,460/-.

3.Mr.I.Syed Sibghatulla, the Standing Counsel for TANGEDCO takes notice for respondents 1 to 5.

4.There is a claim and a counter claim on either side. Inasmuch as the respondent / TANGEDCO has admitted the purchase of electricity from the petitioner and also a liability of Rs.17,41,460/-, it is only appropriate that the said sum is adjusted against any of its claim against the outstanding dues from its end to the petitioner. Till the accounts on either side is entirely reconciled, the respondent / TANGEDCO is prohibited from taking any coercive steps to realize its dues from the petitioner.



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5.This writ petition is disposed of with the above directions. No Costs.

Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No

Neutral citation : yes/no

To

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N.SESHASAYEE, J.



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