



W.P.No.28426 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 27.09.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.28426 of 2023

M/s.ARRAHMAN ASSOCIATES,
No.1/73 c, Ooty Main Road,
Odanthurai, Mettupalayam – 641 301,
Repd by its Director S.Mohammed Meera

... Petitioner

Vs.

1.Tamil Nadu Electricity Regulatory Commission
Repd. by its Secretary,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road),
Egmore, Chennai – 600 008.

2.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai – 600 002.

3.Director Finance
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai – 600 002.



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

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd to 4th Respondent to make payments of the outstanding dues of Rs.19,01,844/- for the wind energy supplied by the Petitioner's WEG No.079224723305 & 079224723306 for the period from July 2022 to April 2023 within a stipulated.

For Petitioner : Mr.S.P.Parthasarathy
For Respondents : Mr.D.R.Arun Kumar

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the 2nd to 4th Respondent to make payments of the outstanding dues of Rs.19,01,844/- for the wind energy supplied by the Petitioner's WEG No.079224723305 & 079224723306 for the period from July 2022 to April 2023

2.The case of the petitioner is that the petitioner owns a Wind Mill and produce electricity for the purpose of sale to electricity board.



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Accordingly, the petitioner sold wind energy generated for a sum of Rs.19,01,844/- to the respondent as per the tariff order issued by the TNERC and raised invoices for encashment of the same, however, the payment has not yet been made. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that this Court may issue direction to the respondents 2 to 4 to forthwith make payment of Rs.19,01,844/- which is due and payable for the wind energy generated and supplied by the petitioner to the respondent TANGEDCO for the period from July, 2022 to April 2023.

4.The learned counsel appearing for TANGEDCO submitted that for non payment of the amount, there is effective alternative remedy available to the petitioner and the petitioner without exhausting such remedy has filed this writ petition which is not sustainable one.

5.Heard the arguments advanced on either side and perused the materials available on record.



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6.The facts in the present case is not in dispute. The petitioner claim that the petitioner sold wind energy generated to the respondents as per the agreement entered into between the petitioner and the respondents and raised invoices for encashment of Rs.19,01,844/- which is due and payable for the wind energy generated and supplied by the petitioner to the respondent TANGEDCO for the period from July, 2022 to April 2023, however, the respondents have not yet paid the amount.

7.In view of the above, this Court directs the respondents 2 to 4 to pay the admitted amount, which is due and payable for the wind energy generated and supplied by the petitioner to the respondent TANGEDCO for the period from July 2022 to April 2023 to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

8.The writ petition is accordingly disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

27.09.2023

Tsg
Speaking Order/ Non Speaking Order
Index: Yes/ No Internet: Yes/ No

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To

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