



WEB COPY



W.P.No.30261 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.30261 of 2022

and

W.M.P.No.29689 of 2022

M/s.Ahill Apparel Exports (P) Ltd.,
No.24, Anna Nagar,
Tiruppur – 641 601,
Repd by its Manager,
Mr.Thomas

... Petitioner

Vs.

- 1.Tamil Nadu Electricity Regulatory
Commission, repd. by its Secretary,
19-A, Rukmini Lakshmipathi 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.



W.P.No.30261 of 2022

4. The Superintending Engineer,

TANGEDCO,

Virudhunagar Electricity Distribution Circle,

Virudhunagar.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd and 4th respondents to forthwith make payment of Rs.1,68,25,733/- which according to the petitioner is due and payable for the Solar Energy Generated and supplied by the petitioner to the respondents from December 2020 to September 2022 and further direct the respondents to pay interest @ 1% per month for any delay in settlement of invoices beyond the periods from the date of invoice.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel

ORDER

This Writ Petition is filed seeking for a Writ of Mandamus, to direct the respondents 3 and 4 to forthwith make payment of Rs.1,68,25,733/- which according to the petitioner is due and payable for the Solar Energy Generated and supplied by the petitioner to the respondents from December 2020 to September 2022 and further, to



W.P.No.30261 of 2022

direct the respondents to pay interest @ 1% per month for any delay in settlement of invoices beyond the periods from the date of invoice.

2. The case of the petitioner is that the petitioner owns Solar Power Plant bearing Solar HTSC No.07941462011 coming under the fourth respondent. The petitioner sold the solar power to the fourth respondent in accordance with the Energy Purchase Agreement (EPA) executed between the officers of the second respondent in pursuant of the orders in force as issued by the first respondent Commission.

2.1. The petitioner have already collected the details of the solar energy sold to the respondent from December 2020 to September 2022 after deducting T & D loss, SOS and Meter charges, a sum of Rs.1,68,25,733/-, accordingly, raised invoices for the encashment of the same at the applicable Tariff value at the appropriate time with the respondents. However, both in pursuance of the Tariff order and also as per the terms of the said Energy Purchase Agreement executed between the petitioner and the officials of the respondent, no payment has been made by the respondents till date.



W.P.No.30261 of 2022

WEB COPY

2.2. Further, the petitioner have installed the solar plant only after securing financial loans and are paying heavy interest for the same. Since there is a delay in getting the payment from the respondent Corporation, the petitioner is unable to repay the loans and therefore, they are facing penal interest charges due to delay in repayment of the installment of the loan. Hence, the petitioner has filed the present writ petition with the above prayed.

3. The learned counsel for the petitioner would submit, it would suffice, if this Court issues a direction to the respondents 3 and 4 to make the payment of Rs.1,68,25,733/- payable to the petitioner, within a time frame that may be stipulated by this Court.

4. The learned Standing Counsel appearing for the respondents has no objection for the said order being passed.

5. In view of the aforesaid submissions, this Court, directs the respondents 3 and 4 to make the payment of Rs.1,68,25,733/- which is due and payable to the petitioner for the Solar Energy Generated and



W.P.No.30261 of 2022

supplied by the petitioner to the respondents from December 2020 to September 2022, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No Costs. Consequently, the connected miscellaneous petition is closed.

14.03.2023
(2/2)

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp

To

1.The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmipathi 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.



WEB COPY



W.P.No.30261 of 2022

M.DHANDAPANI, J.

sp

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

W.P.No.30261 of 2022
and
W.M.P.No.29689 of 2022

14.03.2023
(2/2)