



W.P.Nos.32232 & 32233 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 10.11.2023**

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**CORAM :**

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH**

**W.P.Nos.32232 & 32233 of 2023**

**and**

**W.M.P.Nos.31840 & 31841 of 2023**

M/s.TMV Energy Resources P Ltd.,  
WEG No.079224723139,  
820-A, 9<sup>th</sup> North Street,  
Thiyagaraja Nagar, Tirunelveli – 627 011  
Repd. by its Director T.Manickavasagam

.. Petitioner  
in WP 32232/2023

M/s.Mukundral Vanarasi Trading Pvt Ltd.,  
505, Giriraj, Sant Tukaram Road,  
Carnac Bunder, Mumbai – 400 009  
Repd. by its Authorized Signatory,  
Sivaraj R.

.. Petitioner  
in WP 32233/23

VS

1.Tamilnadu Electricity Regulatory Commission  
Repd. by its Secretary,  
19-A, Rukminilakshmi pathy Salai,  
(Marshall's Road), Egmore, Chennai – 600 008.

2.The Chairman,  
Tamilnadu Generation and Distribution Corporation Ltd,  
144, Anna Salai, Chennai – 600 002.

3.Director Finance  
Tamilnadu Generation and Distribution Corporation Ltd.,



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144, Anna Salai, Chennai – 600 002.

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

.. Respondents  
in both WPs

Prayer in W.P.No.32232 of 2023: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 4<sup>th</sup> respondent to make payment of Rs.3,79,204/- to the petitioner towards the unutilized banked energy wind energy sold to TANGEDCO from the period 2022-2023.

Prayer in W.P.No.32233 of 2023: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 4<sup>th</sup> respondent to make payment of Rs.8,88,494/- to the petitioner towards the unutilized banked energy wind energy sold to TANGEDCO from the period 2016-2017.

For Petitioners : Mr.M.Saravanakumar  
(in both writ petitions)

For Respondents : Mr.S.Madhusudanan  
(in both writ petitions)

### **COMMON ORDER**

This Court had an occasion to consider identical issue in W.P.No.1578 of 2022 etc batch dated 07.02.2022 and the order in entirety reads as under:-

*'Mr.Abul Kalam, learned Standing Counsel accepts notice for the respondents. By consent of both sides, these*



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*Writ Petitions are disposed finally even at the stage of admission.*

2. The petitioners seek a Writ of Mandamus forbearing the respondents i.e., the Tamil Nadu Electricity Regulatory Commission and various other officials of the Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) from collecting current consumption charges, demand charges and other arrears from the petitioners until such time the respondents settle the outstanding dues of Rs.3,60,657/- (W.P.No.1578 of 2022), Rs.8,78,252/- (W.P.No.1598 of 2022) and Rs.1,42,077/- (W.P.No.1608 of 2022), all for the period 2019-2020, payable to the petitioners or adjust the same against current consumption charges till the entirety of the amounts stand adjusted.

3. Both learned counsel would concur on the position that this issue stands decided by various Benches of this Court. In W.P.Nos.27559 and 27564 of 2021 final orders were passed on 22.12.2021 to the effect that, in those cases where TANGEDCO was in the process of adjusting the outstanding amounts due, such adjustment would continue till the entire outstanding amounts stood adjusted towards current consumption charges/open access charges payable by the respective Petitioners.

4. TANGEDCO was directed not take coercive steps to disconnect the electricity connection to the Petitioners until the outstanding amounts due and payable is completely adjusted towards the current consumption charges/open access charges payable by the Petitioners.

5. In W.P.No.6776 of 2018, TANGEDCO has been directed vide order dated 28.10.2021 to formulate a definite policy as to how they propose to deal with their liabilities under the agreements, going forward

6. Mr.Kalam, who takes notice for the respondents would submit that the policy which is presently being finalized also includes the issue of interest payable to consumers for delay in effecting payments.

7. In view of the identity of facts that arise in the earlier matters as in the present matters, learned counsel



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*would request the Court to pass final orders in the present writ petitions even at the stage of admission following the ratio of orders dated 28.10.2021 and 22.12.2021 as aforesaid.*

*8. Thus, acceding to the request, W.P.Nos.1578, 1598 and 1608 of 2022 are disposed in terms of the orders passed on 28.10.2021 and 22.12.2021 granting the mandamus as sought for. No costs. Consequently, connected miscellaneous petitions are closed.'*

2.In view of the above, these writ petitions stand disposed. No costs. Connected miscellaneous petitions are closed.

**10.11.2023**

Index:Yes/No  
Speaking order  
Neutral Citation:Yes  
vs

To

- 1.The Secretary,  
Tamilnadu Electricity Regulatory Commission  
19-A, Rukminilakshmipathysalai,  
(Marshall's Road), Egmore, Chennai – 600 008.
- 2.The Chairman,  
Tamilnadu Generation and Distribution Corporation Ltd,  
144, Anna Salai, Chennai – 600 002.
- 3.The Director Finance  
Tamilnadu Generation and Distribution Corporation Ltd.,  
144, Anna Salai, Chennai – 600 002.



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

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*W.P.Nos.32232 & 32233 of 2023*

**DR. ANITA SUMANTH,J.**

VS

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**10.11.2023**



W.P.Nos.32232 & 32233 of 2023

W.P.Nos.32232 & 32233 of 2023  
and

W.M.P.Nos. 31840 & 31841 of 2023

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Dr.ANITA SUMANTH, J.

This matter is listed today under the caption '*for being spoken to*'.

2. Mr.Mohammed Yakoob, learned counsel, appears for the respondents and would accede to the position that writ petitions are to be disposed directing the TANGEDCO to settle outstanding amount within a period of 12 weeks from today.

3. In fact similar orders have been passed in several writ petitions involving identical factual and legal position, for instance, order in W.P.No.1578 of 2022 batch dated 07.02.2022 extracted below for easy reference:

*'Mr.Abul Kalam, learned Standing Counsel accepts notice for the respondents. By consent of both sides, these Writ Petitions are disposed finally even at the stage of admission.*

*2. The petitioners seek a Writ of Mandamus forbearing the respondents i.e., the Tamil Nadu Electricity Regulatory Commission and various other officials of the Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) from collecting current consumption charges, demand charges and other arrears from the petitioners until such time the respondents settle the outstanding dues of Rs.3,60,657/- (W.P.No.1578 of 2022), Rs.8,78,252/- (W.P.No.1598 of 2022) and Rs.1,42,077/- (W.P.No.1608 of 2022), all for*



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*the period 2019-2020, payable to the petitioners or adjust the same against current consumption charges till the entirety of the amounts stand adjusted.*

*3. Both learned counsel would concur on the position that this issue stands decided by various Benches of this Court. In W.P.Nos.27559 and 27564 of 2021 final orders were passed on 22.12.2021 to the effect that, in those cases where TANGEDCO was in the process of adjusting the outstanding amounts due, such adjustment would continue till the entire outstanding amounts stood adjusted towards current consumption charges/open access charges payable by the respective Petitioners.*

*4. TANGEDCO was directed not take coercive steps to disconnect the electricity connection to the Petitioners until the outstanding amounts due and payable is completely adjusted towards the current consumption charges/open access charges payable by the Petitioners.*

*5. In W.P.No.6776 of 2018, TANGEDCO has been directed vide order dated 28.10.2021 to formulate a definite policy as to how they propose to deal with their liabilities under the agreements, going forward*

*6. Mr.Kalam, who takes notice for the respondents would submit that the policy which is presently being finalized also includes the issue of interest payable to consumers for delay in effecting payments.*

*7. In view of the identity of facts that arise in the earlier matters as in the present matters, learned counsel would request the Court to pass final orders in the present writ petitions even at the stage of admission following the ratio of orders dated 28.10.2021 and 22.12.2021 as aforesaid.*

*8. Thus, acceding to the request, W.P.Nos.1578, 1598 and 1608 of 2022 are disposed in terms of the orders passed on 28.10.2021 and 22.12.2021 granting the*



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*W.P.Nos.32232 & 32233 of 2023*

*mandamus as sought for. No costs. Consequently, connected miscellaneous petitions are closed.*

*9. As far as W.P.No.1611 of 2022 is concerned, the amount outstanding is admittedly, a sum of Rs.23,41,439/-. As the petitioner states that it sells the entire electricity generated to the respondent, the question of captive consumption, and consequently, adjustment against CC charges, does not arise.*

*10. In light of the above, W.P.No.1611 of 2022 is disposed directing TANGEDCO, to settle the outstanding amount within a period of 12 weeks from today. No costs. Connected miscellaneous petitions are closed.'*

4. In light of the identity in factual and legal position, the same order as above is taken to be passed in this matter as well. The order passed on 10.11.2023 now stands substituted by the present order.

21.12.2023

ssm

Note : Registry to issue fresh order copy dated 10.11.2023.



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Dr.ANITA SUMANTH, J.

ssm

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21.12.2023