



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.11.2023

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.Nos.32998, 32999 & 33000 of 2023 &
WMP.Nos.32697, 32698 & 32699 of 2023

Vetal Textiles & Electronics Pvt Ltd
Plot No.21-24 (OLD No.1),
Industrial Estate, Civilaerodrome Post,
Coimbatore – 641014,
Repd. by its Authorized Signatory
Raguram Raja

... Petitioner in W.P.No.32998 of 2023

Viking Knitters.,
No.4, VOC Nagar, 1st Street,
Gandhi Nagar Post, Tiruppur – 641603
Repd. by its Authorised Signatory
Mr.R.Natrajan

... Petitioner in W.P.No.32999 of 2023

V.Priya

... Petitioner in W.P.No.33000 of 2023

Vs

1. Tamil Nadu Generation and
Distribution Corporation Ltd
TANGEDCO,
10th Floor, Eastern Wing,
N.P.K.R.R. Maligai,
144, Anna Salai,
Chennai – 600 002.
Represented by its Chairman & Managing Director



2. The Chief Engineer
Non-Conventional Energy Sources (NCES),
TANGEDCO,
2nd Floor, Eastern Wing,
144, Anna Salai,
Chennai – 600 002.

3. The Superintending Engineer,
TANGEDCO,
Palladam Electricity Distribution Circle,
Palladam.

4. Tamil Nadu Electricity Regulatory Commission
6th Floor,
SIDCO Corporate Office Building,
Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai – 600 032.
Through its Secretary ...Respondents in WP.Nos.32998 & 33000 of 2023

1. Tamil Nadu Generation and
Distribution Corporation Ltd
TANGEDCO,
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3. The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.



4. Tamil Nadu Electricity Regulatory Commission

6th Floor,

SIDCO Corporate Office Building,

Thiru.Vi.Ka. Industrial Estate,

Guindy, Chennai – 600 032.

Through its Secretary

... Respondents in W.P.No.32999 of 2023

PRAYER in W.P.No.32998 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd Respondent to grant long term intra state open access approval to the Petitioner's Wind Energy WF.HT.SC.Nos.039204390220 on the Petitioner's application dated 21.06.2023 and extend the Energy Wheeling Agreements dated 01.03.2023 from 20 years to 25 years from the date of commissioning of the Petitioner's WEG Nos.039204390220 as per the 2nd Respondent's own memo dated 15.09.2021 and further direction to the 3rd Respondent give adjustment of wind energy generated from the Petitioner Wind Mills from 09/2023 onwards against Petitioner's third party users under long term open Access consumer.

PRAYER in W.P.No.32999 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd Respondent to grant long term intra state open access approval to the Petitioner's Wind Energy WF.HT.SC.Nos.079204720624 on the Petitioner's application dated 29.09.2023 and extend the Energy Wheeling Agreements dated 01.06.2023 from 20 years to 25 years from the date of commissioning of the Petitioner's WEG Nos.079204720624 as per the 2nd Respondent's own memo dated 15.09.2021 and further direction to the 3rd Respondent give adjustment of wind energy generated from the Petitioner Wind Mills from 29.09.2023 onwards against Petitioner's third party users.



PRAYER in W.P.No.33000 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd Respondent to grant long term intra state open access approval to the Petitioner's Wind Energy WF.HT.SC.Nos.039204390221 on the Petitioner's application dated 01.08.2023 and extend the Energy Wheeling Agreements dated 01.04.2023 from 20 years to 25 years from the date of commissioning of the Petitioner's WEG Nos.039204390221 as per the 2nd Respondent's own memo dated 15.09.2021 and further direction to the 3rd Respondent give adjustment of wind energy generated from the Petitioner Wind Mills from 09/2023 onwards against Petitioner's third party users under long term open Access consumer.

In all W.P.'s

For Petitioners : Mr.S.P.Parthasarathy

For Respondents : Mr.D.R.Arunkumar

Standing Counsel

COMMON ORDER

This common order disposes three writ petitions filed by the petitioners who seek a mandamus directing the 2nd respondent, who is the Chief Engineer, Non-Conventional Energy Sources TANGEDCO (NCES TANGEDCO) to grant long term intra state open access approval to the petitioners' Wind Energy on the basis of petitioners applications dated 21.06.2023 (WP.No.32998 of 2023), dated 29.09.2023 (WP.No.32999 of 2023 and dated 01.08.2023 (WP.No.33000 of 2023)



and extend the energy wheeling agreements dated 01.03.2023, 01.06.2023 and 01.04.2023 respectively from 20 to 25 years.

WEB COPY

2.The petitioners rely on a memo issued by R2 on 15.09.2021 in Letter No.CE/NCES/SE/Solar/EE/WPP/AEE/AMR/F.Agreement/D 472/21 wherein, in line with the orders passed by the Tamil Nadu Electricity Regulatory Commission (TNERC) also proposes to extend the life period of WEG for a further period of five years subject to such WEGs be eligible for such extension otherwise.

3.Mr.D.R.Arunkumar would accede to the pendency of the petitioners' agreements and would also have no objection to the issuance of mandamus as sought for.

4.Hence, mandamus is issued to R2 to consider the applications of the petitioners dated 21.06.2023 (WP.No.32998 of 2023), dated 29.09.2023 (WP.No.32999 of 2023 and dated 01.08.2023 (WP.No.33000 of 2023) and pass orders thereupon after hearing the petitioners, in accordance with law and bearing in mind Letter No.CE/NCES/SE/Solar/EE/WPP/AEE/AMR/ F.Agreement/D 472/21 dated 15.09.2021, within a period of six (6) weeks from date of receipt of a copy of this order.

5.If at all the applications are to be accepted and extension of five years is to be granted as sought for by the petitioners, respondents agree that such



extension should take effect from date of expiry of the previous agreements, such that the operation of the WEGs would be seamless and without any break.

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6. These writ petitions are disposed as above. No costs. Connected miscellaneous petitions are closed.

23.11.2023

VS

Index : Yes / No

Speaking Order : Yes

Neutral Citations: Yes

To

1. The Chairman & Managing Director

Tamil Nadu Generation and
Distribution Corporation Ltd

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10th Floor, Eastern Wing,

N.P.K.R.R. Maligai,

144, Anna Salai,

Chennai – 600 002.

2. The Chief Engineer

Non-Conventional Energy Sources (NCES),

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2nd Floor, Eastern Wing,

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3. The Superintending Engineer,

TANGEDCO,

Palladam Electricity Distribution Circle,

Palladam.



4.The Secretary

Tamil Nadu Electricity Regulatory Commission

6th Floor,

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Tirunelveli.



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W.P.Nos.32998, 32999 & 33000



DR.ANITA SUMANTH, J.

VS

**W.P.Nos.32998, 32999 & 33000 of 2023 &
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