



WEB COPY



W.P.No.32921 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.11.2023

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.32921 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 and 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 Ltd.,
No.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 – South Electricity Distribution Circle,
Coimbatore.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the Respondents and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner until the Respondents make payment of the outstanding dues of Rs.6,68,264/- payable to the Petitioner towards unutilized banked energy units for a period from 01.04.2022 to 31.03.2023 generated through the Petitioner's Windmill bearing HTSC No. 039224320138 of Coimbatore South EDC based on Invoice dated 17.06.2023 sent by the Petitioner to the 4th Respondent or give adjustment in current consumption charges payable by the Petitioner in respect of HTSC No. 049094260426 of Erode EDC till the entire outstanding amount is adusted.

For Petitioner : Mr.S.Senthil

For Respondents : Mr.Enock Anand
for Mr.L.Jai Venkatesh
Standing Counsel



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ORDER

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Mr.Enock Anand, learned counsel on behalf of Mr.L.Jai Venkatesh, learned Standing Counsel accepts notice for the respondents and is armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission. He would accede to the position that the dues of Rs.6,68,264 /- are, in fact, outstanding and payable to the petitioner.

2. In a very similar circumstance as obtaining in the present Writ Petition, this Court had passed an order in W.P.No.20862 of 2022 dated 16.08.2022 directing the respondents adjust the outstanding amount due and payable to the petitioner under Energy Wheeling agreements towards current consumption charges payable/open access charges payable by the petitioner, going forward.

3. In light of the identity of facts in that matter as well as in the present Writ Petition, the same order is taken to be passed in the present Writ Petition as well.

4. Hence, mandamus is issued directing the respondents to adjust the outstanding amount of Rs.6,68,264/- under Energy Wheeling Agreement dated 13.01.2017 towards the future current consumption charges/open access charges payable by the petitioner.



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5. This Writ Petition is disposed in the aforesaid terms. No costs.

Connected Miscellaneous Petition is closed.

23.11.2023

Index : Yes / No

Speaking Order

Neutral Citation: Yes

vs

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Dr.ANITA SUMANTH, J.

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