



WEB COPY

W.P.No.597



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.01.2024

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.597 of 2024
and WMP.No.590 of 2024

Impact Fashions,
No.9B, Elango Layout,
Kangayam Cross Road,
Tirupur-641 604
Repd. By its Authorized Signatory C.K.Iyappan

... 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.



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

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

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd to 5th Respondents to make payment of Rs.8,03,631/- to the petitioner towards the unutilized banked energy wind energy sold to TANGEDCO from the period 2016-2017 and 2022-2023.

For Petitioner : Mr.Ali Hassan Khan

For Respondents : Mr.D.R.Arunkumar

ORDER

Mr.D.R.Arunkumar, learned Standing Counsel accepts notice for the respondents and is armed with instructions to enable a final disposal of this matter, even at the stage of admission.

2. The prayer in this writ petition is for a mandamus directing the 3rd to 5th Respondents to make payment of Rs.8,03,631/- to the petitioner towards the unutilized banked energy wind energy sold to TANGEDCO from the period 2016-2017 and 2022-2023.



3. In fact similar orders have been passed in a writ petition involving

identical factual and legal position (see order in W.P.No.1578 of 2022 batch dated

07.02.2022 for easy reference), extracted below:-

'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 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



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

5. Thus, acceding to the request, the amount outstanding is admittedly, a sum of Rs.08,03,631/-. 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.

6. In light of the above, this writ petition is disposed directing TANGEDCO, to settle the outstanding amount within a period of 12 weeks from today. No costs. Connected miscellaneous petition is closed.

09.01.2024

vs

Index : Yes / No

Speaking Order

Neutral Citation: Yes

To

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Egmore, Chennai – 600 008



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DR.ANITA SUMANTH, J.

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