



WEB COPY

W.P.No.3853 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.02.2024

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

WP.No.3853 of 2024

Aalayam Power System P. Ltd.,
4/428, Paruthipalli Main Road
Suriyagoundampalayam
Mallasamudram,
Tiruchengode Taluk,
Namakkal – 637 503
rep. by its Director S.V.Nalladivam

...Petitioner

-Vs-

1.Tamilnadu Generation and Distribution
Corporation Ltd, (TANGEDCO),
10th Floor, 144, Anna Salai,
Chennai – 600 002.
Represented by its Chairman
Cum Managing Director.

2.The Chief Engineer, NCES,
TANGEDCO,
2nd Floor,
144, Anna Salai, Chennai – 600 002.

3.The Superintending Engineer
TANGEDCO
Tirunelveli Electricity Distribution Circle
Tirunelveli

...Respondents



W.P.No.3853 of 2024

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the 2nd & 3rd Respondents to effect migration in petitioner's WEG Nos.079224723091 from sale to board to group captive/third party by executing a fresh Energy Wheeling Agreement as per petitioner's application dated 05.10.2023 on payment of necessary charges.

For Petitioner : Mr.S.P.Parthasarathy
For Respondents : Mr.D.R.Arunkumar,
Standing Counsel

ORDER

Mr.D.R.Arunkumar, learned Standing Counsel accepts notice for the respondents and states that in similar circumstances, this Court in W.P.No.23788 of 2023, has passed the following order:

The petitioner has purchased a windmill from M/s.Powerica Limited. It requires name transfer and migration from sale to TANGEDCO to captive consumption of the petitioner. The second respondent has called for a NOC from the third respondent and this too has been made available by the third respondent and the papers are now pending before the second respondent.

2.Mr.D.R.Arun Kumar, learned Standing Counsel for Tamil Nadu Electricity Board takes notice for the respondents.

3.The second respondent is now required to take a



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call on the representation of the petitioner for transfer and migration vis-a-vis the consumption of the energy to be generated within a period of six (6) weeks, if the papers are otherwise in order. If the second respondent contemplates any rejection of the request, it is directed that he shall give a personal audience to the petitioner's representation and shall decide the issue through a detailed speaking order.

4.The Writ Petition is disposed of accordingly. No costs.

2. In addition, the petitioner would point out that the decision of TANGEDCO not to accept similar request from Wind Energy Generators and to terminate the Energy Purchase Agreement and not allow migration from sale to board to Group Captive/third party use would be effective only from 30.06.2023.

3. The application of the petitioner for migration and sale is prior to 30.06.2023, i.e., on 20.05.2023, which has been recommended by the Superintending Engineer, Tirunelveli on 06.06.2023. Under the same order, he confirms that there are no dues payable by the petitioner.

4. This aspect of the matter will also be taken into account by the respondents while disposing petitioner's representation dated 22.05.2023 and 05.10.2023, after hearing the petitioner. Let this exercise be completed within a period of four (4) weeks from date of receipt of a copy of this order and having regard to the position as captured in the

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preceding paragraphs.



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

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16.02.2024

Index : Yes/No
Speaking Order: Yes
Neutral Citation: Yes
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To

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