



W.P.No.9857 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.9857 of 2022 and
WMP.No.9574 of 2022

P.M.Granite Export Private Ltd.,
129, 7th Main,
5th Block, Jaya Nagar,
Bangalore 560 004

... Petitioner

Vs.

- 1.TANGEDCO
Rep by its Chairman & Managing Director,
No.144, Anna Salai,
Chennai 600 002
- 2.The Chief Financial Controller(Revenue),
TANGEDCO
No.144, Anna Salai,
Chennai 600 002
- 3.Tamilnadu Electricity Regulatory Commission,
Rep. By its Secretary,
4th Floor, SIDCO Corporate Office Building,
Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai 600 032

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents to release a sum of Rs.29,76,025.88/- (Rupees Twenty Nine Lakhs Seventy Six Thousand and Twenty Five and Eighty Eight paise only)being the



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sums payable till February 2021 together with sums that remain due from February 2021 till date, with further interest and sums agreed to be released in the proceedings in DRP.No.11 of 2014 dated 02.12.2020 which continue to remain due and pending.

For Petitioner : Mr.Rahul Balaji

For Respondents : Mr.D.R.Arun Kumar,
Standing Counsel

ORDER

This writ petition has been filed for direction to the respondents to release a sum of Rs.29,76,025.88/- together with sums that remain due from 04.04.2022 till date with further interest and also to release the amount being the sums payable till February 2021 together with sums that remain due from February 2021 till date with further interest and sums agreed to be released in the proceedings in DRP.No.11 of 2014 dated 02.12.2020.

2. The petitioner is involved in the business of developing and operating Wind Energy Generation Projects. It has wind power generators to the tune of 1.85 MW in the State of Tamilnadu. It has established wind power generation project in Tirunvelveli District with



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total capacity of 1.25 MW. The power generated by these units were being sold to the first respondent under the terms of agreements executed by the petitioner with the first respondent. Accordingly, the petitioner had been receiving invoices from time to time in accordance with the contracts and tariff orders. However from the year 2009 to 2010 payments were received from the first respondent belatedly, but the petitioner was not paid any interest for the belated payment. Therefore, the petitioner as per the tariff order No.1 of 2009 issued by the Tamil Nadu Electricity Regulatory Commission (hereinafter called as TNERC), there is a specific inclusion of interest payment. It resulted in the Indian Wind Power Association filing a petition before the TNERC, which upheld the rights of all wind generators irrespective of the date of commissioning to receive interest on belated payment at the rate of 1% per month. It was also upheld by the appellate authority in appeal No.11 of 2012 dated 17.04.2012. However, the petitioner was not paid any interest and as such, the petitioner was constrained to approach the TNERC in DRP.No.11 of 2014 seeking for interest to the tune of Rs.21,75,356/- due till March 2013.

2.1 In fact, along with the said petition, a similarly placed



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individual also filed another petition seeking interest in DRP.No.10 of 2014. While pending these petitions, there was discussions and deliberations between the parties. During the negotiation, the first respondent had agreed to pay interest at the rate of 6% per annum as against the claim made by the petitioner at the rate of 12% per annum. The petitioner also agreed to settle both the cases with interest at the rate of 6% per annum. Accordingly, in the petition in DRP.No.10 of 2014 filed by the similarly placed person, it was settled and the petitioner was informed that the first respondent should release the payment by bank transfer. Recording the above settlement, the petition filed by the petitioner was closed by order dated 02.12.2020.

3. Now on instructions, the learned Standing Counsel appearing for the respondents would submit that whatever the amount applicable, the eligible amount will be paid to the petitioner.

4. In view of the above, the respondents are directed to release



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the payment of Rs.29,76,025.88/- till date with further interest for the belated payment being the sums as agreed before the TNERC at the rate of 6% within a period of four weeks from the date of receipt of copy of this order.

5. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

08.04.2024

Neutral Citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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To

1. Chairman & Managing Director,
TANGEDCO
No.144, Anna Salai,
Chennai 600 002
2. The Chief Financial Controller(Revenue),
TANGEDCO
No.144, Anna Salai,
Chennai 600 002
3. Secretary,
Tamilnadu Electricity Regulatory Commission,
4th Floor, SIDCO Corporate Office Building,
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