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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12301 of 2024

and

W.M.P.No.13407 of 2024

Tamil Nadu Generation and Distribution Corporation Limited,
Rep. by its Chief Engineer/Private Power Projects,
6th Floor, Eastern Wing, NPKRR Maaligai,
No.144, Anna Salai,
Chennai – 600 002.

... Petitioner

Vs.

- 1.The Ministry of Power,
Represented by its Secretary,
Union of India, Shram Shakti Bhawan,
Rafi Marg, New Delhi – 110 001.
- 2.The Chief General Manager,
P.F.C. Consulting Limited,
9th Floor, A Wing Statesman House,
Barakhamba Lane, Connaught Place,
New Delhi – 110 001. India.
- 3.The Southern Regional Load Dispatch Centre,
Represented by its Executive Director,
No.29, Race Course Cross Road,
Bangalore – 560 009.



4.K.S.K. Mahanadi Power Company Limited,
8-2-293/82/A, Road No.22, Jubilee Hills,
Hyderabad – 500 033.

... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to reject the invoices in invoices No.135SBTN202324 dated 03.03.2024 and invoice No.TANGEDCOCHNNRKN250010136 dated 04.03.2024 uploaded by the fourth respondent in the PRAAPTI PORTAL.

For Petitioner	: Mr.P.Wilson Senior Counsel Mr.D.R.Arun Kumar
For R1	: Mr.Prasad Vijaya Kumar Central Govt. Standing Counsel
For R4	: Mr.Anand K.Ganesan For Mr.Rahul Balaji

ORDER

The writ on hand has been instituted seeking direction to the respondents 1 and 2 to reject the invoices in invoices No.135SBTN202324 dated 03.03.2024 and invoice No.TANGEDCOCHNNRKN250010136 dated 04.03.2024 uploaded by the 4th respondent in the Praapti Portal.



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2. Mr.P.Wilson, learned Senior Counsel appearing on behalf of the petitioner would submit that the invoices uploaded in Praapti Portal is invalid in view of the standard operating procedures issued by the Ministry of Power on 26th August, 2024.

3. In the present case, the invoice was issued on 03.02.2024, but it was uploaded in the Praapti Portal not within 5 days, but uploaded on 03.03.2024, which is not akin to that of the invoice dated 03.02.2024. Thus, it cannot be construed as an invoice in the eye of law and thus, the petitioner is entitled to succeed.

4. Mr.Anand K.Ganesan, learned counsel appearing on behalf of the 4th respondent would oppose the contention by stating that the anchor date as contemplated is to be taken into consideration, if that anchor date is considered, the claim of the petitioner is unsustainable.

5. Since disputed facts exist between the parties, this Court suggested



that the respondents should file counter affidavit so as to decide the issues on merits.

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6. Mr.P.Wilson, learned Senior Counsel would submit that in the event of delay in deciding the issues, it would cause prejudice to the Tamil Nadu Generation and Distribution Corporation (TANGEDCO) and more so, an appeal has been preferred before the Appellate Tribunal for Electricity (APTEL) which is subjudiced. This Court in such circumstances, suggested that the bill amount can be settled subject to the final outcome of the appeal pending before the Appellate Tribunal for Electricity (APTEL).

7. The learned counsel for the 4th respondent has no serious objections. The demand amount involved in the present writ petition are agreed to be settled between the parties in four equal instalments without prejudice to the pending Appellate Tribunal for Electricity (APTEL) proceedings.

8. The learned counsel for the 4th respondent agreed to receive the amount by way of instalments to be paid by the petitioners subject to outcome of the appeal pending on the file of the APTEL.



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9. In view of the consensus arrived between the petitioner and the 4th respondent, this Court is inclined to pass the following orders:

1. The writ petitioner is directed to settle the entire demand amount involved in the present writ petition in four equal instalments.
2. The first instalment is directed to be paid on or before 15th day of May, 2024. Subsequent monthly instalments are directed to be settled on or before the 15th day of every english calender month and the entire demand amount is to be settled in four equal instalments without committing any default.
3. In the event of default on the part of the petitioner, the respondents are at liberty to initiate further proceedings.
4. Since the petitioner and the 4th respondent consented to settle the subject demand amount in four equal instalments commencing from 15th May, 2024, the 4th respondent is directed not to initiate any further action in respect of the subject demand amount alone. However, any further actions are subject to the compliance of the order passed in the present writ petition.



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10. With the above directions, this Writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

29.04.2024

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Index : Yes
Speaking order
Neutral Citation : Yes

Note: Registry is directed to issue order copy on 06.05.2024.

To

- 1.The Secretary,
The Ministry of Power,
Union of India, Shram Shakti Bhawan,
Rafi Marg, New Delhi – 110 001.
- 2.The Chief General Manager,
P.F.C. Consulting Limited,
9th Floor, A Wing Statesman House,
Barakhamba Lane, Connaught Place,
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- 3.The Executive Director,
The Southern Regional Load Dispatch Centre,
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