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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.06.2024

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.Nos.15469 and 15472 of 2024

M/s.Espen Clean Energy Private Limited
rep. by its Director,
B.Muthuram

... Petitioner in both W.Ps

Vs

1. Tamil Nadu Generation & Distribution Corporation Ltd.,
(TANGEDCO)
Represented by its Chairman & Managing Director,
No.144, Anna Salai,
Chennai – 600 002.
2. The Chief Engineer,
Non-Conventional Energy Sources,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Corporation Limited,
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.
4. The Superintending Engineer



TANGEDCO,
Pudukottai Electricity Distribution Circle,
Pudukottai District.

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5. The Superintending Engineer,
TANGEDCO,
Coimbatore South Electricity Distribution Circle,
Coimbatore.

... Respondents in both W.Ps

COMMON 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's user until the entire outstanding dues of Rs.50,00,000/- and Rs.50,00,000/- payable to the petitioner along with interest towards refundable security deposit in the account of Petitioner's Solar Power Plant in HTSC Nos.06-953-446-0061 HTSC Nos.06-953-446-0060 is paid or give adjustment in the current consumption charges payable by Petitioner's user in HTSC No.039094320845 of Coimbatore South EDC till the entire amount is adjusted, based on the petitioner's representation dated 25.04.2024 sent to the 2nd respondent.

In both W.Ps.

For Petitioner : Mr.S.Senthil

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

COMMON ORDER



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Mr.Enock Anand, learned counsel appearing 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 these matters, even at the stage of admission.

2. The prayer is for a mandamus forbearing the respondents, officials of the Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) from collecting current consumption charges or any further charges till the entirety of the outstanding dues of Rs.50,00,000/- each (W.P.Nos.15469 and 15472 of 2024) is adjusted as against the consumption charges.

3. Mr.Anand would acquiesce to the position that the amount of Rs.50.00 lakhs each (W.P.Nos.15469 and 15472 of 2024) as quantified by the petitioner is indeed arrears due to the petitioner.

4. Thus, and in light of the aforesaid admission, mandamus is issued forbearing the respondents from collecting the current consumption charges and directing the respondents to adjust the outstanding dues first as against the charges.

5. It is seen that similar orders have been passed in identical circumstances in Writ Petitions in W.P.Nos.33072 of 2022 dated 07.12.2022 and W.P.No.1857 of 2023 dated 14.02.2023.

6. In light of the above, these Writ Petitions stand allowed. No costs.



14.06.2024

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

To

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DR.ANITA SUMANTH, J.

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