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W.P.No.23446 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2024

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.23446 of 2024

Prisan Wind Mill Division (P) Ltd,
Rep. by its Authorised Signatory, Mr.K.Paramasivam,
No.119, Bhavani Main Road, Erode – 638 004.

...Petitioner

Vs.

1. Tamilnadu Generation & Distribution Corporation Ltd.,
(TANGEDCO),
Rep. by its Chairman & Managing Director,
No.144, Anna Salai, Chennai – 600 002.
2. The Director (Finance),
Tamilnadu Generation and Distribution Corporation Ltd.,
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,
Coimbatore-South Electricity Distribution Circle,
Coimbatore.
5. The Superintending Engineer, TANGEDCO,
Erode Electricity Distribution Circle,
Erode.

...Respondents



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Writ Petition filed under Article 226 of the Constitution of India, 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 until the respondents make payment of the outstanding dues of Rs.6,57,192/- payable to the petitioner towards unutilized banked energy units for a period from 01.04.2023 to 31.03.2024 generated through the petitioner's windmill bearing HTSC No.039224320138 of Coimbatore South EDC based on Invoice dated 16.05.2024 sent by the petitioner to the 4th respondent or give adjustment in current consumption charges payable by the petitioner's Group captive user in respect of HTSC No.049094260426 of Erode EDC till the entire outstanding amount is adjusted.

For Petitioner : Mr.S.Senthil

For Respondents : Mr.L.Jai Venkatesh

ORDER

This Writ petition has been filed by the petitioner seeking to forbear the respondents and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner until the respondents make payment of the outstanding dues of Rs.6,57,192/- payable to the petitioner towards unutilized banked energy units for a period from 01.04.2023 to 31.03.2024 generated through the petitioner's windmill bearing HTSC No.039224320138 of Coimbatore South EDC based on Invoice dated 16.05.2024 sent by the petitioner to the 4th respondent or give



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adjustment in current consumption charges payable by the petitioner's Group captive user in respect of HTSC No.049094260426 of Erode EDC till the entire outstanding amount is adjusted.

2. When the matter was taken up for hearing, the learned counsel for the petitioner submitted that the issue involved in the present Writ petition is no longer *res integra* and the similar issue has already been decided by the learned Single Judge of this Court in **W.P.Nos.6776 of 2020 etc., batch** on 28.10.2021 and therefore the same order may be passed in this petition as well. Learned counsel appearing for the respondents has not disputed the facts submitted by the learned counsel for the petitioner and he has no serious objection for the said order being passed.

3. The learned Single Judge of this Court, vide order dated 28.10.2021 made in **W.P.Nos.6776 of 2020 etc., batch** in the case of ***M/s.Rajaguru Spinning Mills P. Ltd., Vs. The Tamil Nadu Electricity Regulatory Commission***, in identical circumstances which was also relied upon by the learned counsel for the petitioner held as under:-



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“11. In view of the above, all these Writ Petitions are Disposed of with the following directions:-

(a) In all those cases where the TANGEDCO has acted upon the interim orders passed by this Court and the entire outstanding amounts due and payable has been adjusted, those writ petitions will be rendered infructuous since the grievance of those petitioners stands redressed;

(b) In those cases where the TANGEDCO is in the process of adjusting the outstanding amount due, such adjustment shall be continued till the entire outstanding amount is adjusted towards the current consumption charges / open access charges payable by the respective petitioners and

(c) The TANGEDCO shall not take any coercive steps to disconnect the electricity connection to the petitioners until the outstanding amounts due and payable is completely adjusted towards the current consumption charges/open access charges payable by the petitioners.”



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3. In view of the above fact that the earlier Writ petitions involving similar issue being disposed of by this Court in the aforesaid terms, the present Writ Petition also stands disposed of in terms of the above said order of this Court dated 28.10.2021 made in W.P.Nos.6776 of 2020 etc., batch. No costs.

19.08.2024

skt

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To:

1. Tamilnadu Generation & Distribution Corporation Ltd.,
(TANGEDCO),
Rep. by its Chairman & Managing Director,
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M.DHANDAPANI, J.

skt

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

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