



WEB COPY



W.P.Nos.32185 & 32189 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.10.2024

CORAM

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

W.P.Nos.32185 & 32189 of 2024

M/s. Rajaguru Spinning Mills P Ltd.,
SRF No.97/2, Mampalayam Road,
Vediyarasampalayam, Pallipalayam, Erode-08,
Rep. by its Manager K.Saravanan. ...Petitioner in W.P.No.32185 of
2024

M/s. GKS Renewable Power P Ltd.,
WEG No.079204721756,
No.3, Club Road, Chetpet, Chennai-600 031.
Rep. by its Director K.V.Ramana Shetty ...Petitioner in W.P.No.32189 of 2024

Vs.

1. Tamilnadu Generation & 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,
Dindigul Electricity Distribution Circle,
Dindigul.
4. The Superintending Engineer,
TANGEDCO,
Palladam Electricity Distribution Circle,



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Palladam.

...Respondents

Prayer in W.P.No.32185 of 2024: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd and 3rd respondent to effect migration in Petitioner's WEG Nos.059234500276 from sale to board to own captive consumption in their industry by executing a fresh Energy Wheeling Agreement as per petitioner's application dated 10.10.2022 and consequential representation dated 19.12.2023 on payment of necessary charges.

Prayer in W.P.No.32189 of 2024: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd and 3rd respondent to effect name transfer in petitioner's WEG Nos.079204721756 from the erstwhile M/s.K.V.Ramana Shetty to the name of the petitioner's name M/s.GKS Renewable Power P Ltd along with utility change from sale to board to group captive scheme by executing a fresh Energy Wheeling Agreement as per petitioner's application dated 24.04.2023 and consequential representation dated 03.11.2023 on payment of necessary charges.

In both W.P's.:

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Mr.D.R.Arun Kumar

COMMON ORDER

Since the issue involved in both the Writ petitions are similar in nature, they are disposed of by way of this common order.



2. 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:

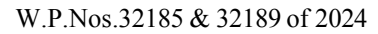
The petitioner has purchased a windmill from M/s.Powerica Limited. It requires name transfer and migration from sale to TANGEDCO to captive consumption of the petitioner. The second respondent has called for a NOC from the third respondent and this too has been made available by the third respondent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

3. In addition, the petitioners 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. In the present cases, the respective applications of the petitioners



for migration and sale have been made prior to 30.06.2023, i.e., on 10.10.2022 and 24.04.2023 respectively.

4. This aspect of the matter will also be taken into account by the respondents while disposing petitioners' respective applications dated 10.10.2022 and 24.04.2023 and consequential representations dated 19.12.2023 and 03.11.2023 respectively, after hearing the petitioners. 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 preceding paragraphs.

5. These Writ Petitions are disposed of in the aforesaid terms. No costs.

29.10.2024

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



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M.DHANDAPANI, J.

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