



WEB COPY



W.P.No.37855 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.37855 of 2024and
W.M.P.No.40924 of 2024

Sandeep Wind Farms Private Limited
No.217, Dharapuram Road,
Tirupur-641 604
Rep. By its Authorized Signatory
P.Thirumalai Kannan

... Petitioner

vs.

1. Tamil Nadu Electricity Regulatory Commission
Rep. By its Secretary,
1-A, Rukmini Lakshmipathy Salai,
(Marshall's Road)
Egmore, Chennai – 600 008
- 2.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai
Chennai 600 002
- 3.Director Finance
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai
Chennai 600 002.
- 4.The Superintending Engineer
TANGEDCO,
Palladam Electricity Distribution Circle
Palladam.



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5. The Superintending Engineer
TANGEDCO,
Tirunelveli Electricity Distribution Circle
Tirunelveli. ... Respondents

PRAYER: Writ Petition is 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 Group captive consumer M/s Birli spinning Mill pvt Ltd HTSC No 039094390520 until the respondents makes payment of the outstanding dues of Rs.21,14,301/-(for the year of 2022to 2024) payable to the Petitioner or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

For Petitioner : Mr.S.Lakshmipathy

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel (TNEB)

ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

2. The petitioner herein seeks issue of Writ of Mandamus, forbearing the respondents from collecting current consumption charges, demand charges and any arrears from the petitioner until the respondents make



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payment of outstanding dues of Rs.21,14,301/- payable to the petitioner or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

3.It is the case of the petitioner that it is a wind energy group captive generator coming under 4th respondent herein, generating wind energy and supplying surplus energy to TANGEDCO under Energy Wheeling Agreement. The petitioner had erected Wind Energy Generators, which generates power and the petitioner utilised the portion of the electric energy generated by it and surplus was supplied to the respondents.

4. As per the details furnished by the 4th respondent, the petitioner supplied energy to the respondents for value of Rs.21,14,301/- upto March-2024. The petitioner raised invoice for encashment of the above said amount based on the applicable tariff and the same has not been honoured by the respondents. Therefore, the petitioner has come before this Court with a prayer seeking adjustment of the amount due to the petitioner from TANGEDCO/respondents 2 to 5. The petitioner submitted a representation on 06.04.2023 enclosing statement downloaded from the website of the



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TANGEDCO. Therefore, there is no dispute with regard to the quantum payable by TANGEDCO to the petitioner towards electricity supplied by it.

5. Heard the argument of learned counsel appearing for the petitioner and Mr.L.Jai Venkatesh, learned Standing Counsel (TNEB), who is taking notice for the respondents.

6. This Court in similar cases in W.P.No.31140 of 2024, dated 19.10.2024 batch cases, passed the following orders:-

“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:-

“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



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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.”

4. 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 Petitions also stand 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. Consequently, connected M.Ps are closed.”

7. Therefore, this Court is also inclined to pass similar order by directing the respondents 2 to 5 to adjust the amount of Rs.21,14,301/- payable by the respondents to the petitioner towards the electricity supplied



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to them by the petitioner, with the current consumption charges, demand charges payable by the petitioner, till the entire amount is adjusted or exhausted. The respondents shall not take any coercive steps against the petitioner for disconnection of power supply till entire outstanding amount payable to the petitioner by respondents gets adjusted towards current consumption charges, demand charges etc., payable by the petitioner.

8. With this direction, the Writ Petition stands disposed of. No costs. Consequently, the connected writ miscellaneous petition closed.

11.12.2024
(2/2)

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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To

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S.SOUNTHAR, J.

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