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W.P.No.2305 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.2305 of 2025 and
W.M.P.No.2625 of 2025

M/s.KKV Agro Powers Limited,
HST:No.079094720237,
Registered Office Vivaaga Building,
637 Oppanakara Street, Coimbatore 641001.
Rep. By Its Authorized Signatory P.Manickam.

... Petitioner

vs.

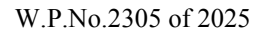
1.Tamilnadu Electricity Regulatory Commission
Repd. By Its Secretary, 19-A Rukmini Lakshmipathy
Salai, (Marshalls Road), Egmore, Chennai 600 008.

2.The Chairman
Tamilnadu Generation And Distribution Corporation Limited,
144 Anna Salai, Chennai 600002.

3.Director Finance
Tamilnadu Generation And Distribution Corporation Limited,
144 Anna Salai, Chennai 600002.

4.The Superintending Engineer
TANGEDCO, Tirunelveli Electricity Distribution Circle,
Tirunelveli-627 011.

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



For Petitioner : Mr.R.S.Pandiyaraj
For Respondents : Mr.L.Jai Venkatesh
Standing Counsel (TNEB)

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.

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3. It is the case of the petitioner that it is an industry owning windmills under captive scheme under 4th respondent, 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.7,48,330/- upto March-2023. 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 22.08.2023 enclosing statement downloaded from the website of the TANGEDCO. Therefore, there is no dispute with regard to the quantum payable by TANGEDCO to the petitioner towards electricity supplied by it.



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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 infructuous since the grievance of those petitioners



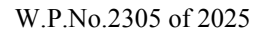
stands redressed;

(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.7,48,330/- payable by the respondents to the petitioner towards the electricity supplied



8. With this direction, the Writ Petition stands disposed of. No costs.

28.01.2025
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S.SOUNTCHAR, J.

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