



W.P.No.5920 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 09.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.5920 of 2025

and

W.M.P.Nos.6506 & 6508 of 2025

TAMIL NADU POWER DISTRIBUTION
CORPORATION LIMITED (TNPDC),
REP. BY ITS CHIEF ENGINEER/PPP,
N.P.K.R.R MAALIGAI,
NO.114, ANNA SALAI,
CHENNAI-600 002.

... Petitioner

Vs

1. M/S.SEPC POWER PRIVATE LIMITED,
REPRESENTED BY ITS VICE PRESIDENT,
MEIL HOUSE, FIRST FLOOR,
395, ANNA SALAI,
TEYNAMPET,
CHENNAI-600 018.
2. UNION OF INDIA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
MINISTRY OF POWER
SHRAM SHAKTHI BHAWAN,
RAFI MARG,
NEW DELHI – 110 001.
3. PFC CONSULTING LIMITED,
REPRESENTED BY ITS MANAGING DIRECTOR,
FIRST FLOOR, URJA NIDHI,
1, BARAKHAMBHA LANE,
CONNAUGHT PLACE,
NEW DELHI – 110 001.

... Respondents



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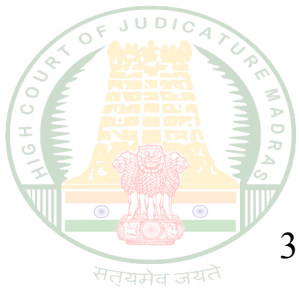
Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for records of the Tamil Nadu Electricity Regulatory Commission pertaining to Order dated 13.02.2025 passed in I.A.No.1 of 2024 in M.P No. 6 of 2023 and quash the same in so far as it permits the first respondent to recover the sum of Rs.104,94,91,860/- through the PRAAPTI portal and consequently direct the first respondent to remove the invoices uploaded in the PRAAPTI Portal for the sum of Rs.104,94,91,860/-.

For Petitioner	: Mr.P.S.Raman, Advocate General for Mr.Richardson Wilson
For R1	: Mr.Yashod Vardhan, Senior Counsel for Mr.Poonam Verma
For R2	: M/s.P.J.Anitha (CGSC)

ORDER

This writ petition is filed challenging the order of the Tamil Nadu Electricity Regulatory Commission dated 13.02.2025.

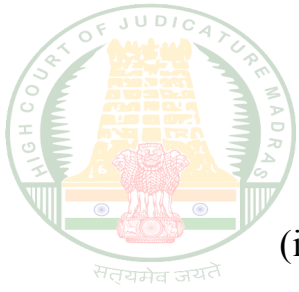
2. Heard the learned Advocate General appearing on behalf of the petitioner and the learned Senior Counsel appearing on behalf of the first respondent and the learned Central Government Standing Counsel appearing on behalf of the second respondent.



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3. The primary contention on behalf of the petitioner is that when the petitioner raised an objection, which is also captured in paragraph 17 of the order in I.A.No. 1 of 2024, without deciding the same, liberty was given to the first respondent to upload the invoice in the PRAAPTI portal. This would lead to a situation where the objection of the petitioner remains undecided, whereas the first respondent is permitted to realize the amount by uploading the invoice. Even though the position was originally contested, it is now agreed by the first respondent that if the Tamil Nadu Electricity Regulatory Commission (TNERC) is allowed to decide the main petition that is pending (which is with reference to the rolling up of the capital cost) within such time as may be directed by this Court. All these issues, which are covered in respect thereof, will also be decided, and thereafter the parties can work out their rights. In the meanwhile, it is also agreed that the petitioner will be entitled to withhold the sum of Rs.104,94,91,860/- alone and not any other amount.

5. In view thereof, without going into the many contentions advanced on either side, this writ petition is disposed of on the following terms:



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(i) The Impugned order dated 13.02.2025 in I.A. No. 1 of 2024 shall remain set aside.

(ii) The Tamil Nadu Electricity Regulatory Commission (TNERC) is directed to decide the main M.P.No. 6 of 2023 as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of the web copy of the order. Until the disposal of the said main petition, the petitioner will be entitled to withhold the sum of Rs.104,94,91,860/- and the rights of the parties will ultimately depend upon the final orders passed by the TNERC.

(iii) Consequently, connected miscellaneous petitions are closed. No costs.

09.04.2025

Neutral Citation: Yes/No
nsl

To

THE SECRETARY TO GOVERNMENT,
MINISTRY OF POWER
SHRAM SHAKTHI BHAWAN,
RAFI MARG,
NEW DELHI – 110 001.



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D.BHARATHA CHAKRAVARTHY, J.

ns1

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