



W.A.No.561 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 25.02.2025**

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**

**AND**

**THE HONOURABLE MR. JUSTICE K.RAJASEKAR**

**W.A.No.561 of 2025**

**and**

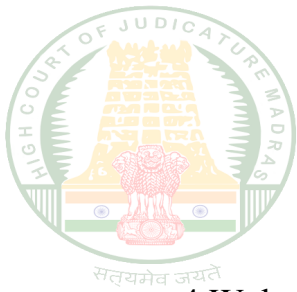
**C.M.P.No.4547 of 2025**

Tamil Nadu Generation and Distribution Corporation Limited,  
The Chief Engineer, Non-Conventional Energy Source,  
2<sup>nd</sup> Floor, Eastern Wing, NPKRR Maaligai,  
No.144, Anna Salai, Chennai – 600 002.

... Appellant

Vs.

- 1.The Ministry of Power,  
Represented by its Secretary,  
Union of India, Shram Shakti Bhawan,  
Rafi Marg, New Delhi – 110 001.
- 2.The Chief General Manager,  
P.F.C Consulting Limited,  
9<sup>th</sup> Floor, A Wing Statesman House,  
Barakhamba Lane, Connaught Place,  
New Delhi – 110 001, India.
- 3.The Southern Regional Load Dispatch Centre,  
Represented by its Executive Director,  
No.29, Race Course Cross Road,  
Bangalore – 560 009.



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4. Welspun Renewable Energy Private Limited,  
C/o. The Tata Power Company Limited,  
Corporate Center B, 34 Sant Tukaram Road,  
Carnac Bunder, Mumbai – 400 009.

5. Welspun Solar Tech Private Limited,  
C/o. The Tata Power Company Limited,  
Corporate Center B, 34 Sant Tukaram Road,  
Carnac Bunder, Mumbai – 400 009.

... Respondents

**Prayer:** Writ Appeal filed under Clause 15 of Letters Patent, pleased to set aside the impugned order dated 29.01.2025 made in W.P.No.13624 of 2024 by allowing this writ appeal and pass any such further orders that this Court may deem fit and proper given the facts and circumstances of the present case and thus render justice.

|               |                                                                                                                         |
|---------------|-------------------------------------------------------------------------------------------------------------------------|
| For Appellant | : Mr.P.S.Raman<br>Advocate General<br>Assisted by Mr.D.R.Arun Kumar                                                     |
| For R1        | : Mr.AR.L.Sundaresan<br>Additional Solicitor General of India<br>Assisted by Mr.K.Ramanamoorthy<br>Senior Panel Counsel |
| For R4        | : Mr.C.S.Vaidyanathan<br>Senior Counsel<br>Assisted by Mr.Shri Venkatesh                                                |
| For R5        | : Mr.Satish Parasaran<br>Senior Counsel<br>Assisted by<br>Mr.Abhinav Parthasarathy                                      |



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## **J U D G M E N T**

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[Judgment was delivered by **S.M.SUBRAMANIAM, J.**]

The present Intra Court Appeal on hand has been instituted to assail the writ order dated 29.01.2025 passed in W.P.No.13624 of 2024. The Tamil Nadu Generation and Distribution Corporation Limited is the appellant before this Court.

2. The appellant had filed a Writ of Mandamus to direct the Ministry of Power and P.F.C Consulting Limited to reject the allegedly tampered invoice uploaded by Welspun Renewables Energy Private Limited and Welspan Solar Tech Private Limited.

3. It is not in dispute that the Energy Suppliers supplied energy to the appellant Tamil Nadu Generation and Distribution Corporation Limited (appellant) and subsequently the bills of demand are raised and uploaded on the Payment Ratification And Analysis in Power procurement for bringing Transparency in Invoicing of generators (PRAAPTI) Portal.

4. Certain uploaded invoices were disputed by the appellant on the



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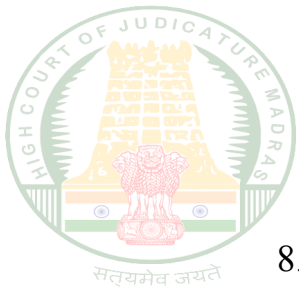
ground that these invoices had been tampered with by the Energy Suppliers.

Consequently, the writ petition came to be instituted.

5. The Writ Court adjudicated the issues elaborately and rejected the relief as such sought for in the writ proceedings.

6. Mr.P.S.Raman, the learned Advocate General appearing on behalf of the appellant would mainly contended that the very same invoice was initially raised in December, 2023 and once again the same demand has been raised through PRAAPTI Portal on 19.02.2024. Therefore, the subsequent bill of invoice is a tampered one. Thus, the claim of the appellant is justified and the Writ Court has not considered this aspect.

7. Mr.C.S.Vaidyanathan, the learned Senior Counsel appearing on behalf of the 4<sup>th</sup> respondent would oppose by stating that disputed issues relating to commercial transactions cannot be adjudicated in a writ proceeding. Although the Writ Court did adjudicate certain issues on merits, rightly dismissed the writ petition, relying on the decision of the Hon'ble Supreme Court of India on the very same issue.



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8. The appellant has instituted a Special Leave Petition (SLP) before the Supreme Court but chose to withdraw it. Therefore, they cannot now turn around and claim that the invoice is tampered. No doubt the invoice was uploaded on the PRAAPTI Portal on 19.02.2024. However, it cannot be termed as tampered invoice. Thus, the writ appeal is to be rejected.

9. Mr.Satish Parasaran, the learned Senior Counsel appearing on behalf of the 5<sup>th</sup> respondent supported the contentions of Mr.C.S.Vaidyanathan, learned Senior Counsel and added that the disputes are to be resolved by approaching the Commission under Clause 11 of the Agreement. Under Section 86(1)(f) of Electricity Act, 2003, the aggrieved person has to approach the Commission for adjudication of disputed issues. Therefore, the present writ appeal is liable to be rejected.

10. During the course of arguments, the learned Advocate General made a submission that the appellant would pay 50% of the demanded amount, and on such payment, the appellant may be permitted to adjudicate the issues by approaching the Competent Forum.

11. Mr.C.S.Vaidyanathan, learned Senior Counsel and Mr.Satish

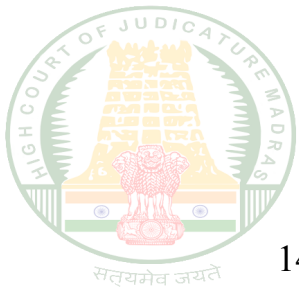


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Parasaran, learned Senior Counsel on instructions would submit that they have no serious objection to the payment of 50% of the demanded amount within a period of two weeks. On such payment, the appellant may approach the Competent Forum for resolving the disputes.

12. In view of the consensus reached between the parties, the appellant / Tamil Nadu Generation and Distribution Corporation Limited is directed to pay 50% of the demanded amount within a period of two (2) weeks from today. On such payment, the appellant shall approach the Competent Forum as per the Agreement and under the provisions of the Electricity Act, 2003 for adjudication of disputed issues and to resolve the same by following the due procedures.

13. Mr.AR.L.Sundaresan, learned Additional Solicitor General of India appearing on behalf of the Ministry of Power would submit that in the event of allowing the appellant to pay 50% of the amount and resolve the disputes by approaching the Competent Forum, the 1<sup>st</sup> respondent will not disconnect the electricity supply.



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14. In view of the above directions and observations, the Writ Appeal stands disposed of. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

[S.M.S., J.] [K.R.S., J.]  
25.02.2025

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Index : Yes / No  
Speaking order / Non-speaking order  
Neutral Citation : Yes / No

To

- 1.The Secretary,  
The Ministry of Power,  
Union of India, Shram Shakti Bhawan,  
Rafi Marg, New Delhi – 110 001.
- 2.The Chief General Manager,  
P.F.C Consulting Limited,  
9<sup>th</sup> Floor, A Wing Statesman House,  
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