



WEB COPY



W.M.P.Nos.11163 & 11165 of 2022
in
W.P.Nos.25612 & 25616 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.M.P.Nos.11163 & 11165 of 2022
in
W.P.Nos.25612 & 25616 of 2021

M/s.Sri Balaji & Co.

Adm. off No.405, Maker Chamber V,
4th Floor, Nariman Point, Mumbai – 400 021,

Repd by its Authorized Signatory,

R Venkatachalam

... Petitioner in W.M.P.No.11163
of 2022

M/s.Shree Siddhivinayaka Cotton Corporation,

Adm. off No.405, Maker Chamber V,
4th Floor, Nariman Point, Mumbai – 400 021,

Repd by its Authorized Signatory,

R Venkatachalam

... Petitioner in W.M.P.No.11165
of 2022

Vs.

1.Tamilnadu Generation and Distribution

Corporation Ltd., (TANGEDCO),

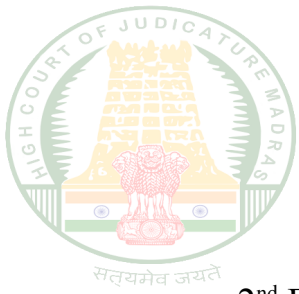
10th Floor, 144, Anna Salai,

Chennai – 600 002,

Represented by its Chairman cum Managing Director.

2.The Chief Engineer, NCES,

TANGEDCO,



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2nd Floor,
144, Anna Salai, Chennai – 600 002.

... Respondents 1 and 2
in both petitions

3.The Superintending Engineer,
TANGEDCO,
Udumalpet Electricity Distribution Circle,
Udumalpet.

... 3rd respondent in
W.M.P.No.11163 of 2022

4.The Superintending Engineer,
TANGEDCO,
Theni Electricity Distribution Circle,
Theni.

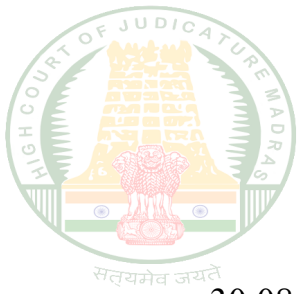
... 3rd respondent in
W.M.P.No.111665 of 2022

5.Tamilnadu Electricity Regulatory Commission,
19-A, Rukumini Lakshmipathy Salai,
Egmore, Chennai – 600 008.
Represented by its Secretary.

... 4th respondent in
both petitions

Prayer in W.M.P.No.11163 of 2022 : Writ Miscellaneous Petition filed under Article 226 of the Constitution of India seeking to amend the prayer as

For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus, directing the 1st, 2nd and 3rd respondents to allow the Utility Change to the petitioner by terminating the existing Energy Purchase Agreements dated 27.03.2010 for their WEG Nos.039224340903 (Old No.1768) and execute fresh Energy Wheeling Agreement under Group Captive scheme as per the Common Order of the Hon'ble High Court of Judicature at Madras dated



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30.08.2019 which was upheld by the Hon'ble Divisional Bench dated 18.02.2020 and also by the Hon'ble Supreme Court of India dated 24.09.2020 and make outstanding payment of Rs.95,14,195/- to the petitioner towards the wind energy sold by the petitioner for the period from September 2020 to August /2021 as per their respective invoices along with interest at 1% per month for any delay in payments and pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

Instead of

Writ of Mandamus, directing the 1st, 2nd and 3rd respondents to allow the Utility Change to the petitioner by terminating the existing Energy Purchase Agreements dated 27.03.2010 for their WEG Nos.039224340904 (Old No.1768) and execute fresh Energy Wheeling Agreement under Group Captive scheme as per the common order of the Hon'ble High Court of Judicature at Madras dated 30.08.2019 which was upheld by the Hon'ble Division Bench dated 18.02.2020 and also by the Hon'ble Supreme Court of India dated 24.09.2020 and make outstanding payment of Rs.95,14,195/- to the petitioner towards the wind energy sold by the petitioner for the period from September 2020 to August /2021 as per their respective invoices along with interest at 1% per month for any delay in payments and pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and thus render justice.



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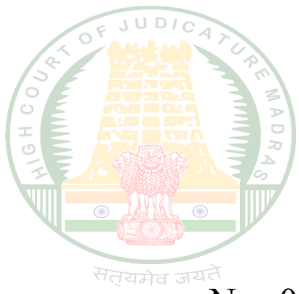
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Prayer in W.M.P.No.11165 of 2022 : Writ Miscellaneous Petition filed under Article 226 of the Constitution of India seeking to amend the prayer as

For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus, directing the 1st, 2nd and 3rd respondents to allow the Utility Change to the petitioner by terminating the existing Energy Purchase Agreements dated 27.03.2010 for their WEG Nos.059224760256 (Old No.T71) and execute fresh Energy Wheeling Agreement under Group Captive scheme as per the Common Order of the Hon'ble High Court of Judicature at Madras dated 30.08.2019 which was upheld by the Hon'ble Divisional Bench dated 18.02.2020 and also by the Hon'ble Supreme Court of India dated 24.09.2020 and make outstanding payment of Rs.1,72,85,525/- to the petitioner towards the wind energy sold by the petitioner for the period from July/2020 to September/2021 as per their respective invoices along with interest at 1% per month for any delay in payments and pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

Instead of

Writ of Mandamus, directing the 1st, 2nd and 3rd respondents to allow the Utility Change to the petitioner by terminating the existing Energy Purchase Agreements dated 27.03.2010 for their WEG



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Nos.059334760256 (Old No.T71) and execute fresh Energy Wheeling Agreement under Group Captive scheme as per the common order of the Hon'ble High Court of Judicature at Madras dated 30.08.2019 which was upheld by the Hon'ble Division Bench dated 18.02.2020 and also by the Hon'ble Supreme Court of India dated 24.09.2020 and make outstanding payment of Rs.1,72,85,525/- to the petitioner towards the wind energy sold by the petitioner for the period from July/2021 to September/2021 as per their respective invoices along with interest at 1% per month for any delay in payments and pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

For Petitioner : Mr.M.Saravanakumar
(in both petitions)

COMMON ORDER

When these matters were taken up for hearing today, learned counsel appearing for the respective petitioner sought permission of this Court to withdraw these Petitions. An Endorsement to the said effect is also made by the learned counsel for the respective petitioner in the Petitions today.



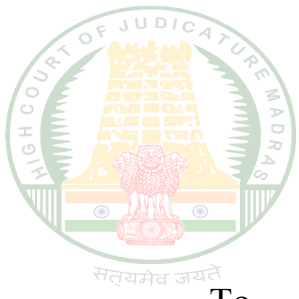
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2. Recording the submission of the learned counsel for the respective petitioner, these writ miscellaneous petitions are dismissed as withdrawn. No costs.

28.01.2025

Index : Yes / No
Speaking order / Non-speaking order
sp



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To
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- 1.The Chairman cum Managing Director,
Tamilnadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
10th Floor, 144, Anna Salai,
Chennai – 600 002.
- 2.The Chief Engineer, NCES,
TANGEDCO,
2nd Floor,
144, Anna Salai, Chennai – 600 002.
- 3.The Superintending Engineer,
TANGEDCO,
Udumalpet Electricity Distribution Circle,
Udumalpet.
- 4.The Superintending Engineer,
TANGEDCO,
Theni Electricity Distribution Circle,
Theni.
- 5.The Secretary,
Tamilnadu Electricity Regulatory Commission,
19-A, Rukumini Lakshmipathy Salai,
Egmore, Chennai – 600 008.



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M.DHANDAPANI, J.

sp

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