



WP NO. 21363 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-08-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP NO. 21363 of 2025 & WMP Nos.24113 & 24114 of 2025

Tamil Nadu Power Distribution Corporation Ltd
(TNPDC) Rep. by its Chief Engineer / PPP N.P.K.R.R. Maaligai,
No. 144, Anna Salai, Chennai 600 002

Petitioner(s)

Vs

1.PFC Consulting Ltd
Rep by its Managing Director First Floor, Urja Nidhi 1,
Barakhamba Lane, Connaught place, New Delhi-110 001.

2. Union of India
Rep by its Secretary to Government Ministry of Power Shram
Shakti Bhawan Rafi Marg, New Delhi 110001.

3.SEPC Power Private Limited
Rep.by its Vice President
MEIL House, First Floor
395, Anna Salai, Teynampet
Chennai 600 018.

Respondent(s)

For Petitioner(s): Mr.P.S.Raman, Advocate General for Mr.Richardson Wilson

For Respondent(s): Mr.R.Rajesh Vivekananthan, Deputy Solicitor,
Government of India for R1 and R2
Ms.Gayatri Aryan for R3



ORDER

The writ petition was listed for hearing on 22.08.2025 and the following order came to be passed by this Court.

This writ petition was filed challenging the e-mail communication dated 09.06.2025 of the 1st respondent.

2. When the writ petition came up for hearing on 13.06.2025, this Court passed the following order:

“Notice to the respondents returnable by 11.07.2025. Private notice is also permitted.

2. Heard the learned Advocate General appearing on behalf of the petitioner and carefully perused the materials available on record.

3. The 3 rd respondent had entered into a Power Purchase Agreement with the petitioner in the year 1998. The 3 rd respondent approached the Tamil Nadu Electricity Regulatory Commission (TNERC) to declare that the 3 rd respondent is entitled to fixed cost for nonsupply of power during certain periods. This application was contested and ultimately, the TNERC passed an order dated 13.08.2024 in D.R.P.No.3/2024 and held that the 3 rd respondent is entitled to fixed cost for nonsupply of power for the period from 01.12.2022 to 31.03.2023 (4 months). Aggrieved by the same, the petitioner filed an



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appeal before the Appellate Tribunal and the Appellate Tribunal passed an interim order dated 06.02.2025, staying the order of TNERC on condition that the petitioner has to pay a sum of Rs.50 crores within one week to the 3rd respondent. This interim order was complied with. Ultimately, the Appellate Tribunal took up the appeal and final order was passed on 21.04.2025. As per the final order, the order passed by the TNERC was modified and it was held that the petitioner is not liable to make payment of fixed capacity charges for the period from 01.01.2023 to 28.02.2023, out of the total period under dispute i.e., from 01.12.2022 to 31.03.2023.

4. As a result of the above order, the total liability on the part of the petitioner came down to nearly Rs.138.64 crores. Hence, the 3rd respondent issued a demand notice dated 28.04.2025, calling upon the petitioner to process the claim of Rs.138.64 crores and to disburse the same with interest.

5. The petitioner has a right of appeal before the Apex Court under Section 125 of the Electricity Act, 2003, and such appeal has to be filed within 60 days. That apart, to upload the same in the PRAAPTI Portal, it provides for 75 days. However, the petitioner received an e-mail from the PRAAPTI stating that if the invoices were not settled before 12.06.2025, the dispute raised will be rejected on 22.08.2025 (today).

6. In the considered view of this Court, the petitioner has already paid a sum of Rs.50 crores, pursuant to the interim order passed by the Appellate Tribunal. The petitioner also has a right of appeal before the Apex Court and if the



communication sent by PRAAPTI is given effect to in the meantime, it will virtually stall the entire functioning of the petitioner. Hence, this Court is inclined to grant interim stay till 11.07.2025. Post this matter on 11.07.2025.”

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3. Pursuant to the above order, the matter was listed on 11.07.2025 and the learned Advocate General appearing on behalf of the petitioner submitted that the matter is posted before APTEL on 24.07.2025 and the matter will be listed before the Apex Court any time. Considering the same, the interim order was extended on a couple of occasions.

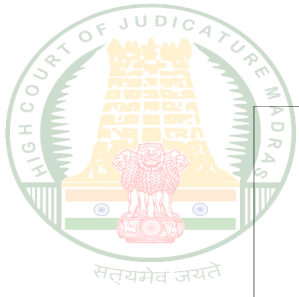
4. A memo has been filed on behalf of the petitioner. In the said memo, it has been stated that as against the order passed by APTEL, SLP was filed before the Apex Court and the matter came up for hearing on 14.08.2025 and the Apex Court has directed the parties to maintain status quo and the case has been tagged along with the connected cases.

5. In the light of the above development, nothing remains to be adjudicated in the present writ petition.

6. The learned counsel appearing on behalf of the 3rd respondent seeks for some time. Post this writ petition under the same caption on 26.08.2025 at 02.15 P.M.

7. The interim order already granted is extended till then.

2. Pursuant to the above order, memo has been filed by the 3rd respondent along with the copy of the e-mail dated 25.08.2025 addressed to the PFC. For proper appreciation, the mail is scanned and extracted hereunder:



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3. It is clear from the above that the next date of hearing before the Apex Court is on 29.08.2025 and depending on the order passed by the Apex Court on that day, the

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3rd respondent will duly inform the same to PFC. If the interim order is continued by the Apex Court, it will be informed to the PFC by the 3rd respondent. This will sufficiently take care of the grievance expressed by the petitioner.

4. This writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

28-08-2025

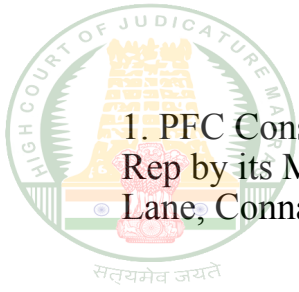
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Index : Yes/No

Neutral Citation : Yes/No

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To



1. PFC Consulting Ltd

Rep by its Managing Director First Floor, Urja Nidhi 1, Barakhamba Lane, Connaught place, New Delhi-110 001.

2. Union of India

Rep by its Secretary to government Ministry of Power Shram Shakti Bhawan Rafi Marg, New Delhi 110001

N. ANAND VENKATESH

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