



WEB COPY



W.P.Nos.25722 of 2023 and 19935 & 21385 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.25722 of 2023 and 19935 & 21385 of 2024

and

W.M.P.Nos.25152, 25153, of 2023 and 21809, 21811, 23340 & 23341 of 2024

W.P.No.25722 of 2023

M/s.Venkateswara Cotton Mills,
HTSC No.039094390668,
S.F.No.485/2, Vannakattu Thottam,
Kaanimarkattu Pudhur, Vayakattupudhur,
Kangeyam (Tk), Tirupur – 641 604,
Represented by its Managing Partner P.Surayakumar ... Petitioner

Vs.

- 1.The Chairman,
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai,
Chennai – 600 002.
- 2.The Chief Engineer-NCES,
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO),
2nd Floor, 144, Anna Salai,
Chennai – 600 002.
- 3.The Chief Financial Controller/Revenue,
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO),
2nd Floor, 144, Anna Salai,
Chennai – 600 002.



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

5.The Accounts office/Revenue,
TANGEDCO,
Palladam Electricity Distribution Circle,
Palladam.

6.The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

7.Tamil Nadu Electricity Regulatory Commission,
6th Floor,
SIDCO Corporate Office Building,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai – 600 026.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the entire records of the 6th respondent's impugned demand notice Ka.No.Me.Po/Pa/Thili/Thu.Ne.Ka.A/Ka.A-Kaar/Ko.Show Cause/D. No.719/2023 dated 23.06.2023 and the consequential 5th respondent's impugned CC bill dated 05.08.2023 insofar the impugned demand amount in serial no.21 Adjustment Charges (not affecting) alone is concerned and quash the same as illegal, arbitrary, and contrary to the Wind Tariff Orders as this Court may deem fit.

W.P.Nos.19935 & 21385 of 2024

M/s.Palani Andavar Cotspin P. Ltd.,
1566/3A, Mulanur Road,



W.P.Nos.25722 of 2023 and 19935 & 21385 of 2024

Vellakovil, Tirupur – 638 111,

Represented by its

Authorized Signatory K.Anbazhagan

... Petitioner

Vs.

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Chennai – 600 002.

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Corporation Limited, (TANGEDCO),

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

4.The Superintending Engineer,

TANGEDCO,

Tirunelveli Electricity Distribution Circle,

Tirunelveli.

5.The Superintending Engineer,

TANGEDCO,

Palladam Electricity Distribution Circle,

Palladam.

6.Tamil Nadu Electricity Regulatory Commission,

6th Floor,

SIDCO Corporate Office Building,

Thiru.Vi.Ka.Industrial Estate,

Guindy, Chennai – 600 026.

... Respondents

Prayer in W.P.No.19935 of 2024: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified



W.P.Nos.25722 of 2023 and 19935 & 21385 of 2024

Mandamus, calling for the records of the 4th respondent's impugned demand notice SE/TEDC/TIN/DFC/AO/WIND/F.AUDIT/D.No.2432/24 dated 13.05.2024 and the consequential impugned generation Statement dated 01.07.2024 for the petitioner's WEG No.079204721441 insofar the impugned demand amount included 'Charge Code No.C008 – Other Charges alone is concerned quash the same as arbitrary, illegal and contrary to the Circular memo issued by the 3rd respondent and Wind Tariff Orders issued by the 6th respondent TNERC.

Prayer in W.P.No.21385 of 2024: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the entire records of the 4th respondent's impugned CC bill dated 07.07.2024 insofar as serial no.22 'Adjustment Charges' (Not affecting) alone is concerned and quash the same as illegal, arbitrary, and against Wind Tariff Orders issued by the 6th respondent TNERC.

For Petitioner : Mr.M.Saravana
(in all WPs) Kumar

For Respondents in W.P. : Mr.S.Madhusudanan
Nos.19935 & 21384 of 2024 Standing Counsel

For Respondents in : Mr.L.Jaivenkatesh
W.P.No.25722 of 2023 Standing Counsel

COMMON ORDER

Since the issue involved in these writ petitions is one and the same, with the consent of the learned counsel appearing for the parties, these writ petitions were heard together and disposed of by way of this common order.



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2. The petitioners own Wind Energy Generators and are running Spinning Mills and have entered into a Energy Wheeling Agreement (in short “EWA”) with the Superintending Engineer, TANGEDCO, Tirunelveli Electricity Distribution Circle, Tirunelveli/6th respondent in W.P.No.25722 of 2023 and 4th respondent in W.P.Nos.19935 & 21385 of 2024. According to the respective agreements, if wind energy is not utilized fully during a month, the balance of it will be transferred to a banking account on payment of banking charges by units. Accordingly, such banked energy is allowed to be redrawn from the banking account for adjustment against the consumption of the petitioners’ captive consumption. Further, the unutilized banked wind energy at the end of the financial year is entitled for encashment at the rate of 75% of the relevant feed-in tariff rate as sale to the respondents. It is also stated that system of adjustment of open access power happened on month to month basis only (i.e.,) monthly generation is adjusted against the monthly consumption of the captive user. The petitioners also state that they also paid CC bill amount without any default.

3. While so, the said respondent issued the respective impugned show cause notices, demanding the respective alleged short levy. The



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petitioners have submitted their objections to the said show cause notices, pursuant to which, the said respondent issued the respective impugned generation statement. Challenging the respective impugned demand notices and the respective generation statement, the petitioners have filed these writ petitions before this Court.

4. Learned counsel appearing for the petitioners submits that against the impugned proceedings, there is an effective appeal remedy available under the Tamil Nadu Electricity Regulatory Commissions Act (in short 'the TNERC Act') before the Competent Authority. Hence, he submitted this Court may grant liberty to the petitioner to file an appeal in terms of the TNERC Act.

5. In view of the limited request sought by the learned counsel for the petitioners, this Court, without interfering with the respective impugned proceedings, permits the petitioners to file an appeal under the TNERC Act before the Competent Authority, within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt of the same within the stipulated time, the Competent Authority shall dispose of the same, within a period of twelve (12) weeks thereafter.



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6. With the above directions, these writ petitions are disposed of.

No costs. Consequently, the connected miscellaneous petitions are closed.

24.11.2025

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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M.DHANDAPANI, J.

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- 5.The Accounts office/Revenue,
TANGEDCO,
Palladam Electricity Distribution Circle,
Palladam.
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