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W.P.No.30283 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30283 of 2025

And

W.M.P.Nos.33974 and 37249 of 2025

The Chief Engineer (PPP),
Tamil Nadu Power Distribution Corporation Ltd.,
2nd Floor, S.L.D.C. Building,
No.144, Anna Salai,
Chennai – 600 002.

... Petitioner

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,
9th 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. Moxie Power Generation Limited
(Erstwhile Coastal Energen Private Limited)
Ramcon Fortune Towers,
4th Kodambakkam High Road,
Nungambakkam High Road,
Chennai – 600 034.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 not to take any regulatory or coercive action, including categorising the petitioner as a defaulter, curtailing power supply, or invoking the Electricity (Late Payment Surcharge and Related Matters) Rules, 2022, on the basis of any unadjudicated or illegitimate invoices not arising from any statutory order or subsisting contractual liability, and consequently direct the said respondents to ensure that only those invoices which are either contractually admitted or adjudicated by the competent regulatory authority are acted upon or uploaded in the PRAAPTI portal, and to disregard or reject the illegitimate invoices (Electricity invoices (i) MPGL/TNPDCL/558MW/Section 11 ECR/07062025 dated 07.06.2025 of Rs.1214.3120631 Crore (ii) MPGL/TNPDCL/558MW/Section 11 ECR/28072025 dated 28.07.2025 of Rs.75.3503419 Crore) from the PRAAPTI Portal and any other further



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invoices pertaining to TNPDCCL for periods beyond the scope of the CERC Order dated 22.05.2025 in M.P.No.161 of 2022.

For Petitioner : Mr.P.S.Raman
Advocate General
for Mr.D.R.Arunkumar

For Respondents : Mr.R.Rajesh Vivekananthan for R1 & R2
Deputy Solicitor General of India
R3 – Not Ready Notice
Mr.P.Sathish Parasaran for R4
Senior Counsel
for M/s.P.Giridharan

ORDER

This writ petition has been filed seeking issuance of Writ of Mandamus directing the respondents 1 to 3 not to take any regulatory or coercive action, including categorising the petitioner as a defaulter, curtailing power supply, or invoking the Electricity (Late Payment Surcharge and Related Matters) Rules, 2022, on the basis of any unadjudicated or illegitimate invoices not arising from any statutory order or subsisting contractual liability, and consequently direct the said respondents to ensure that only those invoices which are either contractually admitted or adjudicated by the competent regulatory authority are acted upon or uploaded in the PRAAPTI portal, and to



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disregard or reject the illegitimate invoices (Electricity invoices (i) MPGL/TNPDCL/558MW/Section 11 ECR/07062025 dated 07.06.2025 of Rs.1214.3120631 Crore (ii) MPGL/TNPDCL/ 558MW/Section 11 ECR/28072025 dated 28.07.2025 of Rs.75.3503419 Crore) from the PRAAPTI Portal and any other further invoices pertaining to TNPDCL for periods beyond the scope of the CERC Order dated 22.05.2025 in M.P.No.161 of 2022.

2.The learned Advocate General appearing for the petitioner submitted that the writ petition has been filed for Mandamus directing the respondents 1 to 3 not to take any regulatory or coercive action, including categorising the petitioner as a defaulter, curtailing power supply, or invoking the Electricity (Late Payment Surcharge and Related Matters) Rules, 2022, on the basis of any unadjudicated or illegitimate invoices not arising from any statutory order or subsisting contractual liability. This Court vide order dated 11.08.2025 made in W.P.No.30283 of 2025 and W.M.P.No.33974 of 2025 granted an interim order directing the respondents 1 to 3 to not to take any coercive action.

3.The learned Advocate General appearing for the petitioner



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further submitted that the fourth respondent/ contesting respondent filed W.M.P.No.37249 of 2025 seeking to vacate the interim order dated 11.08.2025 and in the said miscellaneous petition, this Court on 02.09.2025 recorded the submission of the petitioner that the petitioner is ready to pay a sum of Rs.50 Crores to the fourth respondent towards the dues and also recorded the submission of the fourth respondent that on receipt of the amount, the fourth respondent is ready to withdraw the invoices dated 07.06.2025 and 28.07.2025.

4.The learned Advocate General appearing for the petitioner further submitted that in the meanwhile, the petitioner filed appeal in DFR No.300 of 2025 on the file of APTEL, Delhi, along with stay petition I.A.No.1240 of 2025. Hence, this Court may permit the petitioner to canvass all the points before APTEL, Delhi, in DFR No.300 of 2025 and further prayed that the invoices dated 07.06.2025 and 28.07.2025 shall be kept in abeyance till the disposal of the stay petition in I.A.No.1240 of 2025.

5.The learned Senior Counsel appearing for the fourth respondent/ contesting respondent would submit that this Court may issue direction to the petitioner to pay a sum of Rs.50 Crores within a



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reasonable time frame and for Rs.100 Crores, this Court may grant liberty to the fourth respondent to adjudicate the issue before APTEL, Delhi, in the stay petition filed by the petitioner. For the subsequent period, this Court may grant liberty to the fourth respondent to canvass all the points before CERC.

6.In view of the consent view expressed on either side, the writ petition is disposed of on the following terms:

(i)The petitioner is directed to pay a sum of Rs.50,00,00,000/- (Rupees Fifty Crores Only) to the fourth respondent within a period of two weeks from the date of receipt of a copy of this order.

(ii)The petitioner and the fourth respondent are granted liberty to canvass all the points before APTEL in the stay petition filed by the petitioner.

(iii)The invoices raised by the fourth respondent dated 07.06.2025 and 28.07.2025, which were uploaded in the PRAAPTI portal shall be kept in abeyance till the disposal of I.A.No.1240 of 2025 in DFR No.300 of 2025 pending before before APTEL, Delhi.

(iv)The petitioner and the fourth respondent are directed to file petition to expedite the hearing of stay petition before APTEL, Delhi.



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7.The writ petition is disposed of in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

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- 2.The Chief General Manager
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