



WEB COPY

WP No. 3857 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-02-2026

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THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 3857 of 2026

and

WMP Nos.4271 & 4272 of 2026

M/s.BILAL WIND FARMS

24/O, C.N.Annadurai Road,

Sivakasi-626123

Repd its authorised signatory S.Abulhassan

..Petitioner(s)

Vs

1. The Tamil Nadu Power Distribution Corporation Ltd (TNPDC),
10th Floor, 144, Anna Salai, Chennai-600 002,
Rep By Its Chairman And Managing Director.
2. Tamilnadu Green Energy Corporation Ltd
(TNGECL)
144, Anna Salai, Chennai-600 002 Rep By Its
Managing Director
3. The Chief Engineer/nces,(TNPDC)
2nd Floor, 144, Anna Salai, Chennai-600 002
4. The Superintending Engineer,



The Tamil Nadu Power Distribution
Corporation Ltd, (TNPDC) Tirunelveli
Electricity Distribution Circle, Tirunelveli

..Respondent(s)

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari Mandamus, calling for the records of the 1st respondents impugned Board Proceedings in (Per) FB TANGEDCO proceedings No.44 dated 01.08.2023 and quash the same as illegal arbitrary, contemptuous and as abuse of process of court and consequently direct the 1st and 2nd respondents to strictly comply with the provisions of direct the 1st and end respondents to strictly comply with the provisions of the constitution of india as enshrined under Article 300A and to confine the respondents with in the statutory provisions and limits of the Electricity Act 2003 in the matter of allowing the utility changes /Migration from converting the existing energy purchase Agreement to Energy wheeling agreement and further direct the 2nd and 3rd respondents to allow utility change/Migration in petitioners WEG 079204721840 , 079204721841 and 079214721978 by terminating the existing Energy purchase Agreements (EPA) dated 01.08.2023 and direct to execute a fresh Energy Wheeling Agreement (EWA) under the Group Captive/3rd party Sale schemes and further direct to make payment of the outstanding dues payable to the petitioner, towards the wing energy sold by the petitioner till the date of the termination of the EPA dated 1.8.2023 as per their respective invoices along with interest at 1 percentage per month for the if any delay in payments within a reasonable time.

For Petitioner(s):

Mr.R.S.Pandiyaraj



For Respondent(s): Mr.D.R.Arun Kumar, Standing Counsel

ORDER

This Writ Petition has been filed for the following reliefs:-

“ calling for the records of the 1st respondents impugned Board Proceedings in (Per) FB TANGEDCO proceedings No.44 dated 01.08.2023 and quash the same as illegal arbitrary, contemptuous and as abuse of process of court and consequently direct the 1st and 2nd respondents to strictly comply with the provisions of direct the 1st and end respondents to strictly comply with the provisions of the constitution of india as enshrined under Article 300A and to confine the respondents with in the statutory provisions and limits of the Electricity Act 2003 in the matter of allowing the utility changes /Migration from converting the existing energy purchase Agreement to Energy wheeling agreement and further direct the 2nd and 3rd respondents to allow utility change/Migration in petitioners WEG 079204721840 , 079204721841 and 079214721978 by terminating the existing Energy purchase Agreements (EPA) dated 01.08.2023 and direct to execute a fresh Energy Wheeling Agreement (EWA) under the Group Captive/3rd party Sale schemes and further direct to make payment of the outstanding dues payable to the petitioner, towards the wing energy sold by the petitioner till the date of the termination of the EPA dated 1.8.2023 as per their respective invoices along with interest at 1 percentage per month for the if any delay in payments within a reasonable



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2. The learned counsel for the petitioner submitted that this writ petition is covered by the earlier order passed in WP.No.13729 of 2025 dated 22.04.2025. The relevant portions are extracted hereunder:-

“8. It can be seen that identical board proceedings have been set aside by this Court by the order dated 30.08.2019 and the said order stood confirmed upto the Hon~ble Supreme Court of India. The only argument that is made is that the Board has revisited based on the late payment surcharge charges. That again was again the subject matter of Division Bench of this Court of which I am also one of the member (Mr.Justice D.Bharatha Chakravarthy) and by an order dated 03.01.2023 it was held as follows and it is essential to extract paragraph Nos.2 & 5 which reads as under:

2. Mr.P.S.Raman, learned Senior Counsel appearing for the petitioners/appellants submitted that the impugned orders of the learned Single Judge passed in the writ petitions are patently unsustainable, in view of the Electricity (Late Payment Surcharge and Related Matters) Rules, 2022 (for short, ~the said Rules~) notified by the Ministry of Power. Rules 3 and 5 of the said Rules enable the petitioners/appellants to make the payment of arrears to the respondent along with late payment surcharge from the date of default. The said Rules are retrospective in nature and applicable for all the cases



irrespective of the dates of default, Therefore, the impugned orders of the learned Single Judge are liable to go.

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5. Learned counsel appearing for the respondent heavily opposed the prayer to condone the delay and submitted that the delay of 237, 252 and 258 days in filing the writ appeals against the orders dated 7.3.2022, 25.3.2022 and 28.3.2022 passed in W.P.Nos.4933, 6977 and 6938 of 2022 has not been sufficiently explained by the petitioners/appellants. Secondly, the learned Single Judge, in the impugned orders, has followed the similar order dated 30.8.2019 passed in W.P.No.5196 of 2019 etc., which was affirmed by a Division Bench of this Court in its judgment dated 18.2.2020 in W.A.No.4189 of 2019, which has also been confirmed by the Apex Court vide order dated 24.9.2020 in S.L.P.Nos.8513-8518 of 2020. Therefore, there is no bonafide in filing the petitions to condone the delay and there is no merit in the writ appeals. Thus, a prayer has been made to dismiss the delay condonation petitions as well as the writ appeals.

9. On the above findings, again the orders impugned were set aside and taking note of the earlier round of litigation which ultimately was dismissed by the Hon'ble Supreme Court of India in SPL.Nos.8513-8518 of 2020. In view thereof, the contention that is made on behalf of the Learned Counsel for the respondents are unsustainable. Since the matter has already been decided in the previous round, once again similar orders cannot be repeatedly passed by the respondent Board.



10. Therefore, this writ petition is allowed on the following terms:

(i) The impugned orders dated 01.08.2023 and 28.02.2024 shall stand quashed and consequently the respondents 3 to 5 are directed to convert the Energy Purchase Agreement (EPA) in respect of petitioner's WEG No.039214340843 as one of Energy Wheeling Agreement (EWA) and permit the petitioner to consume the power for its own purposes.

(ii) With reference to the arrears, in view of the statements that is made in paragraph No.9 that the TNPDCCL is taking steps to clear the outstanding dues along with interest, it shall be done within a period of eight (8) weeks from the date of receipt of the web copy of the order."

3.In view of the above, this writ petition is disposed of in terms of the order passed in WP.No.13729 of 2025 dated 22.04.2025.No costs. Consequently, connected miscellaneous petitions are closed.

06-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SHR



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P.T.ASHA, J.

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