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WP No. 9591 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

**WP No. 9591 and 9597 of 2026
and WMP.Nos.10342, 10343, 10350 & 10351 of 2026**

M/s.Intech Power Chennai Pvt. Ltd.,
S2, Guindy Industrial Estate,
Chennai-600 032
Rep by its Authorised Signatory,
P.Pratapchandran

..Petitioner in WP.No.9591 of 2026

M/s.Muthu Export House,
No.25, New Bye-pass Road,
Karur – 639006,
Rep. By its Authorised Signatory
R.Parathasarathy.

... Petitioner in WP.No.9597 of 2026

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)
10th Floor, 144, ANNA SALAI,
CHENNAI-600 002
Rep. By its Managing Director.
3. The Chief Engineer/NCES, (TNGECL)
2nd Floor, 144, Anna Salai, Chennai-600 002



4. The Superintending Engineer,
TNPDCCL,
Udumalpet Electricity Distribution circle
Udumalpet.

..Respondents in
WP.No.9591 of 2026

1. The Tamil Nadu Power Distribution Corporation
Ltd., (TNPDCCL)
10th Floor, 144 Anna Salai,
Chennai -2
Rep. By its Chairman & Managing Director.

2. Tamil Nadu Green Energy Corporation Ltd.,
TNGECL, 10th Floor, 144, Anna Salai,
Chennai-2.

3. The Chief Engineer/NCES
TNGECL, Second Floor, 144 Anna Salai,
Chennai-2.

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

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

.... Respondents in WP.No.9597 of 2026

Prayer in WP.No.9591 of 2026: The Writ Petition has been filed under Article 226 of Constitution of India, to issue a writ of certiorarified mandamus calling for the records of the 1st respondents impugned board proceedings in (Per) FB TNPDCCL 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 2nd to 4th respondents to allow utility change/migration in petitioners WEG No.039214340847 and 039214340848 by terminating the existing Energy



Purchase Agreements (EPA) dated 22.05.2025 and execute a fresh Energy Wheeling agreement (EWA) under the group captive scheme and further direct to make payment of the outstanding dues payable to the petitioner, towards the wind energy sold by the petitioner till the date of the termination of the EPA dated 22.05.2025 as per their respective invoices along with interest at 1 percent per month for the if any delay in payments within a reasonable time.

Prayer in WP.No.9597 of 2026: The Writ Petition has been filed under Article 226 of Constitution of India, to issue a writ of certiorarified 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 the constitution of India as enshrined under Article 300 A and to confine the respondents within the statutory provisions and limits of the Electricity Act 2003, in the matter of allowing the utility changes/migrations from converting the existing energy purchase agreement to energy wheeling agreement and further direct the second and third respondents to allow utility change/migration in petitioners WEG No.0392204390254 and 079204721583 by terminating the existing Energy Purchase Agreements (EPA) dated 02.03.2006 and 26.03.2004 and direct to execute a fresh Energy Wheeling agreement (EWA) under the group captive/3rd party sale scheme and further direct to make payment of the outstanding dues payable to the petitioner, towards the wind energy sold by the petitioner till the date of the termination of the EPA dated 02.03.2006 and 26.03.2004 as per their respective invoices along with interest at 1 percent per month for the if any delay in payments within a reasonable time.



For Petitioner(s): Mr.R.S.Pandiyaraj
in both the writ petitions

For Respondent(s): Mr.P.S.Raman, AG
Assisted by Mr.D.R.Arunkumar
In both the writ petitions

COMMON ORDER

W.P.No.9591 of 2026 has been filed seeking to quash the order passed by the 1st respondents impugned board proceedings in (Per) FB TNPDCCL proceedings No.44 dated 01.08.2023 and consequently direct the 2nd to 4th respondents to allow utility change/migration in petitioners WEG No.039214340847 and 039214340848 by terminating the existing Energy Purchase Agreements (EPA) dated 22.05.2025 and execute a fresh Energy Wheeling agreement (EWA) under the group captive scheme and further direct to make payment of the outstanding dues payable to the petitioner, towards the wind energy sold by the petitioner till the date of the termination of the EPA dated 22.05.2025 as per their respective invoices along with interest at 1 percent per month for the if any delay in payments within a reasonable time.

2. WP.No.9591 of 2026 has been filed seeking to quash the order passed by the 1st respondents impugned board proceedings in (Per) FB TNPDCCL proceedings No.44 dated 01.08.2023 and consequently direct the 1st and 2nd respondents to strictly comply with the provisions of the constitution of India as enshrined under Article 300 A and to confine the respondents within the



statutory provisions and limits of the Electricity Act 2003, in the matter of allowing the utility changes/migrations from converting the existing energy purchase agreement to energy wheeling agreement and further direct the second and third respondents to allow utility change/migration in petitioners WEG No.0392204390254 and 079204721583 by terminating the existing Energy Purchase Agreements (EPA) dated 02.03.2006 and 26.03.2004 and direct to execute a fresh Energy Wheeling agreement (EWA) under the group captive/3rd party sale scheme and further direct to make payment of the outstanding dues payable to the petitioner, towards the wind energy sold by the petitioner till the date of the termination of the EPA dated 02.03.2006 and 26.03.2004 as per their respective invoices along with interest at 1 percent per month for the if any delay in payments within a reasonable time.

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



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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.

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



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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, the writ petitions are allowed in terms of the order passed in WP.No.13729 of 2025 dated 22.04.2025. No costs. Consequently, connected miscellaneous petitions are closed

13-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

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10th Floor, 144, Anna Salai,
Chennai-600 002,
Rep By Its Chairman And Managing Director
2. Tamilnadu Green Energy Corporation Ltd (tngecl)
10th Floor, 144, ANNA SALAI, CHENNAI-600 002 REP BY ITS
MANAGING DIRECTOR
3. The Chief Engineer/nces,(tnpdcl)
2nd Floor, 144, Anna Salai, Chennai-600 002
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7. The Superintending Engineer,
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M.DHANDAPANI, J.

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