



WEB COPY

WP No. 12468 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

CORAM

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

WP No. 12468 of 2025

M/s.Solitarie Btn Solar Power Private Ltd
An Incorporate Company Having Its Registered
Office At.239, Okhla Industrial Estate Phase-iii,
New Delhi-110 020 Also At Genguvarpatty
Village, Periyakulam Taluk, Theni District,
Tamilnadu-625 203

..Petitioner(s)

Vs

Tamil Nadu Generation
And Distribution Corporation Ltd,
Through.Chairperson/Managing Director, 144,
Anna Salai, Chennai-600 002

..Respondent(s)

Prayer: This petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the respondent to pay the admitted balance sum of Rs.4,45,91,468/- as on 03.03.2025 as per Rule 5 of the Electricity (Late Payment Surcharge and Related Matters) Rules 2022 along with Late Payment Surcharge to the tune of Rs.3,35,53,562/- accrued until 03.03.2025 within the time frame as fixed by this Court.

For Petitioner(s): Mr.P.J.Rishikesh

For Respondent(s): Mr.D.R.Arunkumar for TNEB



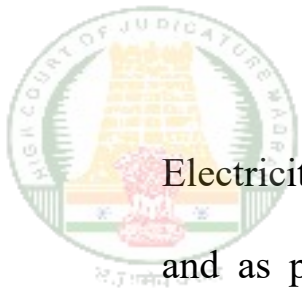
Order

This writ petition has been filed seeking a direction to pay the admitted balance sum of Rs.4,45,91,468/- as on 03.03.2025 as per Rule 5 of the Electricity (Late Payment Surcharge and Related Matters) Rules 2022 along with Late Payment Surcharge to the tune of Rs.3,35,53,562/- accrued until 03.03.2025 within the time frame to be fixed by this Court.

2. The facts in brief are as follows:

(i) The petitioner being a Power Generating Company had entered into a Power Purchase Agreement (PPA) dated 28.09.2017 with the respondent for the supply of power for the period of 25 years. On the basis of this agreement, the petitioner had set up and commissioned its Solar Power Project in the State of Tamil Nadu. Pursuant to the agreement, the petitioner has been supplying power to the respondent and has been periodically raising invoices. As on 30.06.2022, an admitted sum of Rs.13,37,74,380 remains outstanding and payable by the respondent to the petitioner.

(ii) Since the respondent was in huge arrears to various power generating Companies the Ministry of Power, on 03.06.2022, notified the



Electricity (Late Payment, Surcharge and Related Matters) Rules, 2022

and as per Rule 5, a Distribution Company is required to liquidate its arrears payable to a Generating Company by paying the same in easy monthly instalments. The maximum number of instalments payable depends upon the arrears amount and a tabulated statement has been provided indicating the outstanding amount and the number of instalments under which the amount has to be paid. The petitioner would submit that as per the table, the arrears payable to the petitioner had to be discharged in 12 equated monthly instalments. However, since the same has not been paid, the present writ petition has been filed.

3. The learned counsel for the respondents would submit that the amount had to be paid in 48 instalments and not in 12 instalments as contended.

4. Heard the submissions on either side and perused the materials available on record.



5. In order to understand the dispute in question, a useful reference can be made to Rule 5 (1) of the Electricity (Late Payment, Surcharge and Related Matters) Rules, 2022 which reads as follows:

Outstanding dues amount (in Rs.Crore)	Maximum no. Of equated monthly instalments (months)
Up to 500	12
501-1,000	20
1,001-2,000	28
2,001-4,000	34
4,001-10,000	40
>10,000	48

6. A reading of the above tabulation clearly indicates that where the outstanding is upto 500 crores as in the case of the petitioner the same has to be paid in 12 equated monthly instalments instead, in this instant case, the petitioner has received the payments in 42 instalments. Even according to the submission of the learned counsel for the respondents, the balance amount remains payable in 6 instalments.



7. Therefore, without going into the controversy as to whether the payments are to be made in 12 instalments or 48 instalments and considering the fact that the respondent has unilaterally adopted a payment schedule of 48 months and has already paid 42 instalments, the balance sum of Rs.7.8 crores approximately shall be repaid in 6 equated monthly instalments starting from March 2026.

8. With the above direction, this Writ Petition is disposed of. No costs.

17-02-2026

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

SRN

To

The Chairperson/Managing Director,
Tamil Nadu Generation
And Distribution Corporation Ltd,
144, Anna Salai, Chennai-600 002



WEB COPY

WP No. 12468 of 2



P.T.ASHA J.

SRN

WP No. 12468 of 2025

17-02-2026

Page 6 of 7



WEB COPY

WP No. 12468 of 2

