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W.P.Nos.12636, 12642 and 12643 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.12636, 12642 and 12643 of 2026

And

**W.M.P.Nos.13792, 13794, 13797, 13798,
13802 and 13803 of 2026**

M/s.Suganthi Renewables Pvt Ltd,
48/1, ST-4, Arachalur Road,
Ammapalayam,
Chennimalai – 638 051
Erode Repd. Authorized Signatory
K.C.Chandra Sekaran ... Petitioner in W.P.12636/2026

M/s.Sre Mehala Spintex Pvt Ltd,
Reg Off No.50, Poonga Nagar,
P.R.S.Road, Chennimalai,
Erode – 638 051
Repd. Authorized Signatory
S.Ramakrishna ... Petitioner in W.P.12642/2026

M/s.SS Green Power India Pvt Ltd,
D.No.1/2, Ganesh Nagar, Muthur Road,
Veeranampalayam Post,
Kangayam – 638 701
Tirupur District Repd. Managing Director
Thiyagarajan. ... Petitioner in W.P.12643/2026

Vs.

1.Tamil Nadu Power Distribution
Corporation Ltd (TNPDC),
10th Floor, 144, Anna Salai,
Chennai – 600 002
Represented by its Chairman & Managing Director



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2. Tamil Nadu Green Energy Corporation Ltd.,
(TNGECL)
10th Floor, 144, Anna Salai,
Chennai – 600 002
Represented by its Managing Director

3. The Chief Engineer/ NCES,
(TNGECL)
2nd Floor, 144, Anna Salai,
Chennai – 600 002.

4. The Superintending Engineer,
TNPDC,
Tirunelveli Electricity Distribution Circle,
Tirunelveli. ... Respondents in all the W.Ps.

Prayer in W.P.No.12636 of 2026:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent's impugned Board Proceedings in (Per) FB TNPDC 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 respondents 2 to 4 to allow Utility Change / Migration in petitioner's WEG No. 079304723693, 079304723698 and 079304723956 by terminating the existing Energy Purchase Agreements (EPA) dated 01.09.2025 and execute a fresh Energy Wheeling Agreement (EWA) under the Captive / Group Captive and



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third Party Sale Schemes 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 01.09.2025 as per their respective invoices along with interest at 1% per month for the if any delay in payments within a reasonable time.

Prayer in W.P.No.12642 of 2026:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent's impugned Board Proceedings in (Per) FB TNPDC 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 respondents 2 to 4 to allow Utility Change / Migration in petitioner's WEG No.079224723116, 079224723156, 079224723157, 079304723697, 079304723931 and 079304723932 by terminating the existing Energy Purchase Agreements (EPA) dated 01.09.2025 and execute a fresh Energy Wheeling Agreement (EWA) under the Captive/ Group Captive and third Party Sale Schemes 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 01.09.2025 as per their respective



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invoices along with interest at 1% per month for the if any delay in payments within a reasonable time.

Prayer in W.P.No.12643 of 2026:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent's impugned Board Proceedings in (Per) FB TNPDC 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 respondents 2 to 4 to allow Utility Change / Migration in petitioner's WEG No.079224723105, 079224723122, 079224723268, 079224723443, 079304723694, 079304723695, 079304723696, 079304723699, 079304723701 and 079304723702 by terminating the existing Energy Purchase Agreements (EPA) dated 01.09.2025 and execute a fresh Energy Wheeling Agreement (EWA) under the Captive/ Group Captive and third Party Sale Schemes 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 01.09.2025 as per their respective invoices along with interest at 1% per month for the if any delay in payments within a reasonable time.



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For Petitioners : Mr.R.S.Pandiyaraj
For Respondents : Mr.D.R.Arun Kumar

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COMMON ORDER

By consent, the writ petitions are taken up for final disposal at the admission stage itself.

2.These writ petitions have been filed seeking issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent's impugned Board Proceedings in (Per) FB TNPDC 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 respondents 2 to 4 to allow Utility Change / Migration in petitioners WEG's by terminating the existing Energy Purchase Agreements (EPA) dated 01.09.2025 and execute a fresh Energy Wheeling Agreement (EWA) under the Captive / Group Captive and third Party Sale Schemes 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 01.09.2025 as per their respective invoices along with interest at 1% per month for the if any delay in payments within a reasonable time.



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3.The learned counsel appearing for the petitioners submitted that the petitioners installed windmills after obtaining all necessary clearances from the respondent TNPDCCL such as Name Transfer Certificate from the second respondent and other prerequisites and the energy generated by the petitioners windmills has been sold to respondent TNPDCCL, under Energy Purchase Agreement (EPA) dated 01.09.2025 for the WEGs, in accordance with the feed in tariff notified by the State Commission through its comprehensive Wind Energy Tariff Orders issued periodically. As per the EPAs executed between the petitioners and TNPDCCL, the generator would be raising invoices for the energy sold to TNPDCCL and in turn, TNPDCCL should make payment within 30 days from the date of receipt of those invoices. Any delay in payment beyond 30 days is liable for an interest at 1% per month. Till date, TNPDCCL has not paid even a single bill on time, against the invoices raised and the delayed payment are made without any interest.

4.The learned counsel appearing for the petitioners further submitted that the petitioners has the option to opt for supplying its wind energy to other consumers, within the State of Tamil Nadu,



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under the Open Access Scheme, which is enshrined under the Electricity Act, 2003. Accordingly, the petitioners made application to the second respondent to convert the existing Energy Purchase Agreements (EPA) into Energy Wheeling Agreement (EWA) for the purpose of supplying their wind energy generated in the above WEGs to other consumers, under Group Captive or Third Party Sale Scheme provided under the provisions of the Electricity Act, 2003, however, the first respondent issued the impugned Board Proceedings. The learned counsel further submitted that this Court has considered similar issue in W.P.No.13729 of 2025 and allowed the said writ petition on 22.04.2025.

5.The learned counsel appearing for the respondents did not dispute the facts submitted by the learned counsel appearing for the petitioners.

6.It is useful to extract hereunder the relevant portion of the decision of this Court dated 22.04.2025 made in W.P.No.13729 of 2025:

"8. It can be seen that identical board proceedings have been set aside by this Court by the



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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.



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There shall be no order as to costs.

Consequently, connected miscellaneous petitions are closed."

7.Following the decision cited supra, these writ petitions are allowed and the very same benefit is extended to the petitioners herein. No costs. Consequently, the connected miscellaneous petitions are closed.

30.03.2026

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Index: Yes/ No Speaking Order: Yes/ No NCC: Yes/ No

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- 2.Tamil Nadu Green Energy Corporation Ltd.,
(TNGECL)
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M.DHANDAPANI,J.
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