IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No. 21041 of 2026
and WMP.No.22737 of 2026

M/s.Subabhalaji Spinning Mills India Pvt Ltd
SF No.140, Anjanoor (Po),
EllapalayamNaal Road, Onankuttai,
Nambiyur, Gobichettipalayam,
Rep by its Managing Director R.Subramaniam.

..Petitioner(s)

Vs

1. Tamil Nadu Electricity Regulatory Commission
   4th Floor, SIDCO Building,
   Thiru.Vi.Ka Industrial Estate
   Guindy, Chennai-600 032
   Represented by Its Secretary

2. Tamilnadu Power Distribution Corporation Ltd
   (TNPDCL),
   10th floor, 144 Anna Salai
   Chennai 600002,
   Represented by Its Chairman.

3. Director Finance
   Tamil Nadu Power Distribution Corporation
   Ltd,
   (TNPDCL),144 Anna Salai
   Chennai 600002

4. The Superintending Engineer
   (TNPDCL)
   Gobi Electricity Distribution Circle
   GOBI.

5. The Superintending Engineer (TNPDCL)
   Tirunelveli Electricity Distribution Circle
   Tirunelveli.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Mandamus, forbearing the respondents and their men, agents from collecting current consumption charges, demand charges and any arrears from the petitioner until the respondents makes payment of the outstanding dues of Rs.7,74,061 /-(for the period from July 2024, February, June and July 2025) payable to the petitioner or give adjustment in the current consumption charges payable by the petitioner till the entire amount is adjusted.

For Petitioner(s): Mr.R.S.Pandiyaraj

For Respondent(s): Mr.Madhusudhanan
Standing Counsel

Order

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. This Writ Petition has been filed seeking a Writ of Mandamus, forbearing the respondents and their men, agents from collecting current consumption charges, demand charges and any arrears from petitioner until the respondents makes payment of the outstanding dues payable to petitioner or provide adjustment in the current consumption charges payable by petitioner till the entire amount is adjusted.

3. Learned counsel for petitioner would submit that petitioner is a Textile Mill which generates wind energy, which is captively consumed. He would

submit that in terms of the Comprehensive Tariff Order on Wind Energy in Order No.1 of 2009 dated 20.03.2009 issued by the Tamil Nadu Electricity Regulatory Commission, the unutilised energy at the end of the financial year may be encashed at the rate of 75% of the purchase tariff. A wheeling agreement was entered into, which also provides a clause enabling encashment of unutilised energy in terms of the purchase tariff. He would submit that there is an accrued right in terms of the said clause with regard to surplus wind energy that has been generated. He would also submit that in identical circumstance, this Court had passed an order in W.P.No.32144 of 2025 dated 22.08.2025, and the relevant portion of order is extracted hereunder:

> *"3. Accordingly, this writ petition shall stand disposed of in similar terms with a direction to the respondents to adjust the amount of Rs.10,65,675/- (for the year of 2024-2025) payable by the respondents to the petitioner towards the electricity supplied to them by the petitioner, with the current consumption charges, demand charges payable by the petitioner, till the entire amount is adjusted or exhausted. The respondents shall not take any coercive steps against the petitioner for disconnection of power supply till entire outstanding amount payable to the petitioner by respondents gets adjusted towards current consumption charges, demand charges etc., payable by the petitioner."*

The learned counsel for petitioner would therefore only seek similar directions.

4. Learned Standing Counsel for respondents does not have serious objections to the above request / prayer.

5. In view of the above submission, this Court directs the respondents to adjust the amount of Rs.7,74,061 /- (for the period from July 2024, February, June and July 2025) payable by the respondents to petitioner towards the electricity supplied to them by petitioner, with the current consumption charges, demand charges payable by petitioner, till the entire amount is adjusted or exhausted. The respondents shall not take any coercive steps against petitioner for disconnection of power supply till entire outstanding amount payable to petitioner by respondents gets adjusted towards current consumption charges, demand charges etc., payable by petitioner.

6. Accordingly, this Writ Petition stands disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

05-06-2026
(3/3)

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

ANU

To

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MOHAMMED SHAFFIQ, J.

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