



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-05-2026

CORAM

THE HON'BLE MR JUSTICE G. R. SWAMINATHAN

WP NO. 18028 OF 2026

AND

WMP No. 22322 of 2026,

WMP NO. 19380 OF 2026, WMP NO. 19381 OF 2026

WP NO. 18028 OF 2026,

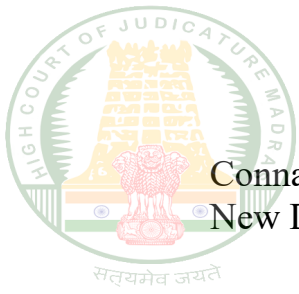
WMP NO. 19380 OF 2026, WMP NO. 19381 OF 2026

Tamil Nadu Green Energy Corporation Ltd
(TNGECL)
(Formerly, Tamil Nadu Generation and
Distribution Corporation Limited)
Rep. by its Chief Engineer/NCES,
N.P.K.R.R.Maalgai,
No.144,Anna Salai,
Chennai -600 002.

..Petitioner(s)

Vs

1. Union of India
Rep by its Secretary to Government,
Ministry of Power
Shram Shakthi Bhawan,
Rafi Marg. New Delhi -110 001.
2. M/s. Kamuthi Renewable Energy Ltd.,
Represented by its Vice President
MEIL House, First Floor,
395, Anna Salai, Teynampet,
Chennai -600 018.
3. PFC Consulting Ltd.,
Rep by its Managing Director,
First Floor,
UrjaNidhi,
1, Barakhamba Lane,



Connaught Place,
New Delhi -110 001.

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WMP No. 22322 of 2026

M/s. Kamuthi Renewable Energy Ltd.,
Represented by its Vice President
MEIL House, First Floor,
395, Anna Salai, Teynampet,
Chennai -600 018.

..Respondent(s)

Vs

..Petitioner(s)

1. Tamil Nadu Green Energy Corporation Ltd
(TNGECL)
(Formerly, Tamil Nadu Generation and
Distribution Corporation Limited)
Rep. by its Chief Engineer/NCES,
N.P.K.R.R.Maaligai,
No.144,Anna Salai,
Chennai -600 002.
2. Union of India
Rep by its Secretary to Government,
Ministry of Power
Shram Shakthi Bhawn,
Rafi Marg, New Delhi -110 001.
3. PFC Consulting Ltd
Rep by its Managing Director,
First Floor, UrjaNidhi,
1, Barakhamba Lane,
Connaught Place,
New Delhi -110 001.

..Respondent(s)

**WP NO. 18028 OF 2026**

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Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the invoice in KREL/SOLAR/RMD/SUPPLEMENT/TNERC/01 dated 21.02.2026 for an amount Rs.38,08,85,847/-uploaded by the 2nd Respondent on the Payment Ratification and Analysis in Power Procurement for bringing Transparency in Invoicing of generators (PRAAPTI) Portal managed by the Respondents 1 and 3 and quash the same and consequently forbear the Respondents 1 and 3 from giving effect to similar invoices under the LPS Rules, 2022.

For Petitioner(s): Ms.N.Swetha Priya
for Mr.D.R.Arun Kumar

For Respondent(s): Mr.Rajesh Vivekananthan
Deputy Solicitor General for R1

Mr.Sathish Parasaran
Senior Advocate
for Mr.P.Giridharan for R2

WMP No. 22322 of 2026

To vacate the interim order dated 30.04.2026 passed by this Honble Court in WMP.No. 19381 of 2026 in WP.No. 18028 of 2026 with immediate effect.

For Petitioner(s): Mr.Sathish Parasaran
Senior Advocate
for Mr.P.Giridharan



ORDER

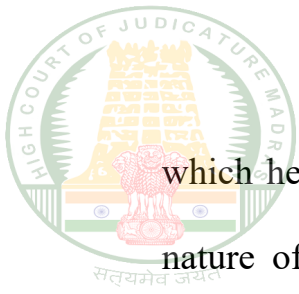
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W.M.P.No.22322 of 2026 has been filed to vacate the interim stay granted by this Court on 30.04.2026.

2.Ms.Swetha Priya, representing Mr.Arun Kumar, learned Standing Counsel for the writ petitioner, seeks time on the ground that they propose to engage the learned Advocate General to argue the case.

3.Learned Senior Counsel appearing for the contesting respondent in the writ petition presses that the continued operation of the interim order is causing great hardship to them and that the writ petition itself is not maintainable.

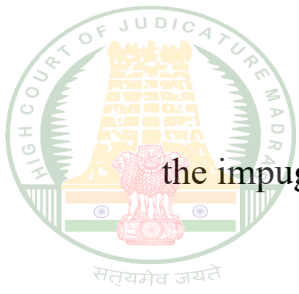
4.The basic facts are not in dispute. The 2nd respondent/vacate stay petitioner is a power generating company which had supplied energy to the writ petitioner. For the supply effected by them, they raised an invoice dated 21.02.2026. It was uploaded in the web portal hosted by the Ministry of Power. A dispute arose between the writ petitioner and the 2nd respondent with regard to the nature of interest to be chargeable by them. According to the supplier, they are entitled to charge compound interest. According to the writ petitioner, only a simple interest can be charged. This issue was resolved before the TNERC



which held that only simple interest can be charged by them. Apart from the nature of interest to be charged, there were also other issues. They are as follows :

1. *Whether the plea raised by the respondents that the petition is barred by the principles of Order II Rule (2) CPC, the principle of constructive res judicata and the Doctrine of estoppel by conduct is legally sustainable ?*
2. *Whether the petitioner is guilty of suppression of material fact ?*
3. *Whether the petitioner is entitled to raise LPS claim on the basis of compound interest contrary to the terms of the PPA ?*
4. *Whether the petitioner is entitled to apply the payments first towards LPS and thereafter towards pending monthly energy bills, starting from the longest overdue bills ?*
5. *Whether the petitioner is entitled to the claim of Rs.41,10,50,492/- made in the petition together with pendent lite interest and interest from the date of petition till realization ?*
6. *To what relief ?*

5. Since the other issues were held in favour of the 2nd respondent herein, the writ petitioner felt aggrieved. Admittedly, the writ petitioner has to prefer an appeal before APTEL under Section 111 of the Electricity Act, 2003. The order of the Commission was passed on 17.02.2026. Instead of preferring an appeal immediately before the appellate Tribunal, the writ petitioner chose to invoke the jurisdiction of this Court under Article 226 of the Constitution of India. This Court, vide order dated 30.04.2026, granted stay of the operation of



the impugned invoice dated 21.02.2026 till 16.06.2026.

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6.The learned Senior Counsel appearing for the 2nd respondent in the writ petition draws my attention to Ground 'F' taken by the writ petitioner which reads as follows :

“F. Because the 2nd respondent will not be prejudiced if this Hon’ble Court stays the invoice dated 21.02.2026 only till the petitioner files an appeal before Hon’ble APTEL. Even if no stay is granted, the 2nd respondent will be duly compensated on account of the interest allowed in the TNERC Order.”

7.The Hon’ble Supreme Court of India in the decision reported in ***AIR 1952 SC 14 [State of Orissa v. Madan Gopal Rungta]*** held that the final relief under Article 226 of the Constitution of India cannot be in the nature of an interim relief. Such a writ petition would not be maintainable. Though the writ petitioner has formally challenged the invoice itself, a reading of the affidavit filed in the writ petition clearly gives an impression that they only wanted a breathing time to move the appellate forum. Such an approach cannot be appreciated.

8.More than anything else, what is under challenge is the mere invoice issued by the 2nd respondent. As pointed out by the learned Deputy Solicitor General for the 1st respondent, such an invoice cannot be amenable to judicial



review. The 2nd respondent is a private entity. The writ petitioner entered into an Energy Purchase Agreement with the 2nd respondent. If any dispute arises out of it, Sub-Clause (11) of the Energy Purchase Agreement provides for settlement of disputes under Section 86(1)(f) of the Electricity Act, 2003. In any event, an invoice issued by a supplier cannot be questioned in writ jurisdiction, as factual aspects are involved. The writ itself is not maintainable. The interim order is vacated. W.M.P.No.22322 of 2026 is allowed. The writ petition in W.P.No.18028 of 2026 is dismissed.

9.It is also seen that, day before yesterday, the writ petitioner has already filed an appeal before the appellate authority. The writ petitioner cannot ride two horses. The writ petitioner is at liberty to pursue the remedy before the appellate Tribunal. No costs. Other connected miscellaneous petitions are closed.

29-05-2026

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

MKN

To

The Secretary to Government,
Union of India,
Ministry of Power,
Shram Shakthi Bhawan,
Rafi Marg, New Delhi -110 001.



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G.R.SWAMINATHAN J.

MKN

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