



WP.Nos.25722 of 2023

WEB COPY

WP.Nos.25722 of 2023
and
WMP.Nos.25152 and 25153 of 2023

N.SESHASAYEE, J.

The petitioner herein has purchased an energy Generator on 18.03.2021 from M/s.Sri Jayavilas Subbaraj Spinning Mills Pvt. Ltd. On 05.04.2021, the petitioner applied to TANGEDCO for transfer of name and also for migration. TANGEDCO took a little over three months to process the same and ordered transfer of name vide its proceedings dated 20.07.2021. Following which, migration came to be effected on 22.07.2021 when Energy wheeling agreement was entered into between the petitioner and the TANGEDCO.

2.Since the generation of electricity does not require a licence, the petitioner has been generating electricity, and has been uploading it in the TANGEDCO's grid. This energy was kept in the banking account of the



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vendor-transferor of WEG till 02.07.2021, since the name transfer and migration had not taken place.

3.The dispute here is all about how to account for the energy generated, and uploaded in the TANGEDCO's grid from 02.07.2021. All the energy generated for that month for July, 2021, was uploaded and it is accounted by the TANGEDCO on 02.08.2021. In the meantime, petitioner as a captive consumer, has been using the generated electricity through the grid of TANGEDCO.

4.From and after 20.07.2021, the TANGEDCO had no issues in allowing the petitioner to utilise its own energy since the wheeling agreement has come into existence. However, inasmuch as the energy generated between 01.07.2021 and 20.07.2021 is concerned, the TANGEDCO contends that since there was no wheeling agreement to back it, it has to be treated as lapsed energy.



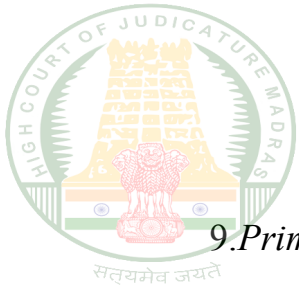
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5. There can be only two categories of energy management: either the energy must be banked into the account of the generator, or it must be adjusted against the consumption of the generator. In case of captive consumers, there is nothing called lost energy or lapsed energy. The energy generated is a property of the generating Company and it cannot be expropriated by the TANGEDCO, submitted the counsel for the petitioner.

6. Mr. L. Jaivenkatesh, learned Standing Counsel takes notice for the respondents 1 to 6.

7. Notice to the seventh respondent returnable by 07.10.2023. Private Notice is also permitted.

8. Learned counsel for the petitioner submitted that TANGEDCO is now taking the energy which the petitioner had generated and uploaded between 01.07.2021 and 20.07.2021 as if it is energy, and raised a bill.



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9. *Prima facie* it defies both law and logic. Therefore, there shall be an order

of ad interim injunction restraining the respondents from realising the claim

that has now made.

10. Post the matter on 07.10.2023.

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