

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.Nos.9063 to 9065 of 2017
and
W.M.P.Nos.9988 to 9990 of 2017

Muthurmurugan Mills Ltd.,
rep. by its Managing Director
S.S.Rajkumar

.. Petitioner in
W.P.No.9063 of
2017

Jayavarma Textils (P) Ltd.,
rep. by its Managing Director
V.Palanisamy

.. Petitioner in
W.P.No.9064 of
2017

Manchester Textile (P) Ltd.,
rep. by its Managing Director
V.Palanisamy

.. Petitioner in
W.P.No.9065 of
2017

Vs.

1.Tamil Nadu Generation and
Distribution Corporation Ltd.,
(TANGEDCO) rep. by its
Chairman and Managing Director,
No.144, Anna Salai, Chennai - 2.

2.The Chief Engineer,
Non-Conventional Energy Sources,
TANGEDCO, 2nd Floor,
144, Anna Salai, Chennai - 2.

3.The Superintending Engineer,
TANGEDCO,
Coimbatore North Electricity
Distribution Circle,
Coimbatore.

4.The Superintending Engineer,
TANGEDCO,
Udumalpet Electricity Distribution
Circle, Udumalpet.

5.Tamil Nadu Electricity Regulatory
Commission,
19-A, Rukmini Lakshmipathy Salai,
Egmore, Chennai - 8 rep. by its
Secretary

.. Respondents in
W.P.No.9063
of 2017

1.Tamil Nadu Generation and
Distribution Corporation Ltd.,
(TANGEDCO) rep. by its
Chairman and Managing Director,
No.144, Anna Salai, Chennai - 2.

2.The Chief Engineer,
Non-Conventional Energy Sources,
TANGEDCO, 2nd Floor,
144, Anna Salai, Chennai - 2.

3.The Superintending Engineer,
TANGEDCO,
Gobi Electricity Distribution
Circle, Gobi.

4.Tamil Nadu Electricity Regulatory
Commission,
19-A, Rukmini Lakshmipathy Salai,
Egmore, Chennai - 8 rep. by its
Secretary

.. Respondents in
W.P.No.9064
of 2017

1.Tamil Nadu Generation and
Distribution Corporation Ltd.,
(TANGEDCO) rep. by its
Chairman and Managing Director,
No.144, Anna Salai, Chennai - 2.

2.The Chief Engineer,
Non-Conventional Energy Sources,
TANGEDCO, 2nd Floor,
144, Anna Salai, Chennai - 2.

3.The Superintending Engineer,
TANGEDCO,
Erode Electricity Distribution
Circle, Erode.

4.Tamil Nadu Electricity Regulatory
Commission,
19-A, Rukmini Lakshmipathy Salai,
Egmore, Chennai - 8 rep. by its
Secretary

.. Respondents in
W.P.No.9065
of 2017

Petitions filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing respondents 1 and 2 to provide suitable working instructions in the matter of implementation of the order of the State Commission (TNERC) issued in RA No.6 of 2013 dated 31.03.2016 and to allow all the benefits provided in the order for the petitioners.

For Petitioner .. Mr.R.S.Pandiyaraj
in all the W.Ps

For Respondents .. Mr.S.K.Rameshwar
in all the W.Ps

COMMON ORDER

Mr.S.K.Rameshwar, learned counsel takes notice for the respondent in all the writ petitions.

2.The issue sought to be raised in all these writ petitions, as admitted by both sides, is covered by the earlier order dated 05.04.2017 passed in W.P.No.3979 of 2017, wherein it has been held as follows:

This writ petition has been filed seeking a direction to the respondents 1 and 2 to see to it that the order passed by the State Commission (TNERC) in RA.No.6 of 2013 dated 31.03.2016 has been implemented in letter and spirit.

2.When the matter is taken up for hearing, the learned counsel appearing for the respondents 1 to 3 produced the following communication dated 04.04.2017, which is as follows:

"The above writ petition in No.W.P.No.3979 of 2017 is filed by M/s.Eveready Spinning Mills (P) Ltd., Vedasanthur in Hon'ble High Court, Chennai with a prayer to implement the orders issued by Hon'ble TNERC in R.A.No.6 of 2016, on 31.03.2016.

In this regard, the following are stated:

The TNERC in R.A.No.6 of 2013 has ordered to re-fixed the charges for the following categories:

a) Tariff based on Time Value of Money

b) Banking charges as 10% of banked energy in kind instead of 94.00 paise per unit.

The Chairman cum Managing Director/TANGEDCO has approved to implement the order in R.A.No.6 of 2013 on 31.03.2016. The detailed working instructions are being prepared in consultation with various wings of TANGEDCO and will be issued shortly, since the order has to be implemented retrospectively for the period from 2012 to 2016."

3.In view of the same, the writ petition is disposed of by directing the respondents 1 to 3 to implement the order of the State Commission (TNERC) in R.A.No.6 of 2013 dated 31.03.2016 within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

3.In view of the above, these writ petitions shall stand disposed of with a direction to respondents 1 to 3 in all the writ petitions to implement the order of the State Commission (TNERC) issued in RA No.6 of 2013 dated 31.03.2016 within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Chairman and Managing Director,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
(TANGEDCO),
No.144, Anna Salai, Chennai - 2.

2.The Chief Engineer,
Non-Conventional Energy Sources,
TANGEDCO, 2nd Floor,
144, Anna Salai, Chennai - 2.

3.The Superintending Engineer,
TANGEDCO,
Coimbatore North Electricity
Distribution Circle,
Coimbatore.

4.The Superintending Engineer,
TANGEDCO,
Udumalpet Electricity Distribution
Circle, Udumalpet.

5.The Secretary,
Tamil Nadu Electricity Regulatory
Commission,
19-A, Rukmini Lakshmipathy Salai,
Egmore, Chennai - 8.

6.The Superintending Engineer,
TANGEDCO,
Gobi Electricity Distribution
Circle, Gobi.

7.The Superintending Engineer,
TANGEDCO,
Erode Electricity Distribution
Circle, Erode.

+ 3 ccs to Mr.R.S. Pandiyaraj, Advocate Sr.22550

W.P.Nos.9063 to 9065 of 2017

RV(CO)
Eu 18.4.17