

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.No.9744 of 2013

M/s.Hi-Tech Carbon,
(A Unit of Aditya Birla Nuvo Ltd.),
K-16, Phase II,
SIPCOT Industrial Area,
Thiruallur - 601 201

... Petitioner

v.

The Tamil Nadu Electricity Regulatory Commission,
Rep. By its Secretary,
19A, Rukmini Lakshmipathy Salai
Egmore,
Chennai - 600 008.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus directing the respondents to :

a. amend the Tamil Nadu Electricity Regulatory Commission (Renewable Purchase Obligations), 2010, if necessary, to bring it line with the letter and spirit of the provisions of Section 86 of the Electricity Act, 2003 and the judgment of the Appellate Tribunal for Electricity in Appeal No.57 of 2009 by both considering power from cogeneration plants, irrespective of fuel source, as being entitled to participate in the renewable Energy Certificate mechanism and fixing the percentage of electricity that has to be purchased from such category of sources by the obligated entities.

b. clarify whether the petitioner falls under the definition of Grid Connected Captive Power Plant.

For Petitioner	: Mr. Rahul Balaji
For Respondent	: Mr. T. Mohan

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the respondents to :

a. amend the Tamil Nadu Electricity Regulatory Commission (Renewable Purchase Obligations), 2010, if necessary, to bring it line with the letter and spirit of the provisions of Section 86 of the Electricity Act, 2003 and the judgment of the Appellate Tribunal for Electricity in Appeal No.57 of 2009 by both considering power from cogeneration plants, irrespective of fuel source, as being entitled to participate in the renewable Energy Certificate mechanism and fixing the percentage of electricity that has to be purchased from such category of sources by the obligated entities.

b. clarify whether the petitioner falls under the definition of Grid Connected Captive Power Plant.

2. When the Writ Petition is taken up for hearing, Mr. Rahul Balaji, learned counsel appearing for the petitioner, submitted that in view of the order passed by the Full Bench of the Appellate Tribunal in Appeal No.53 of 2012 in the matter of Lloyds Metal & Energy Ltd. v. Maharashtra Electricity Regulatory Commission, the petitioner is not pressing the first prayer. So far as the 2nd prayer is concerned, Mr. Rahul Balaji, submitted that he has got instruction that the petitioner would approach the appropriate authority seeking for appropriate relief.

3. Mr. T. Mohan, learned counsel appearing for the respondent submitted that the relief sought for in the Writ Petition cannot be granted to the petitioner and the Writ Petition is liable to be dismissed.

4. In view of the submissions made by the learned counsel on either side, since the petitioner is not pressing the first prayer and submitted that they would approach the appropriate authority, while dismissing the Writ Petition, I make it clear that it is open to the petitioner to approach the appropriate

authority seeking for appropriate relief, in accordance with law, if so advised. No costs.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

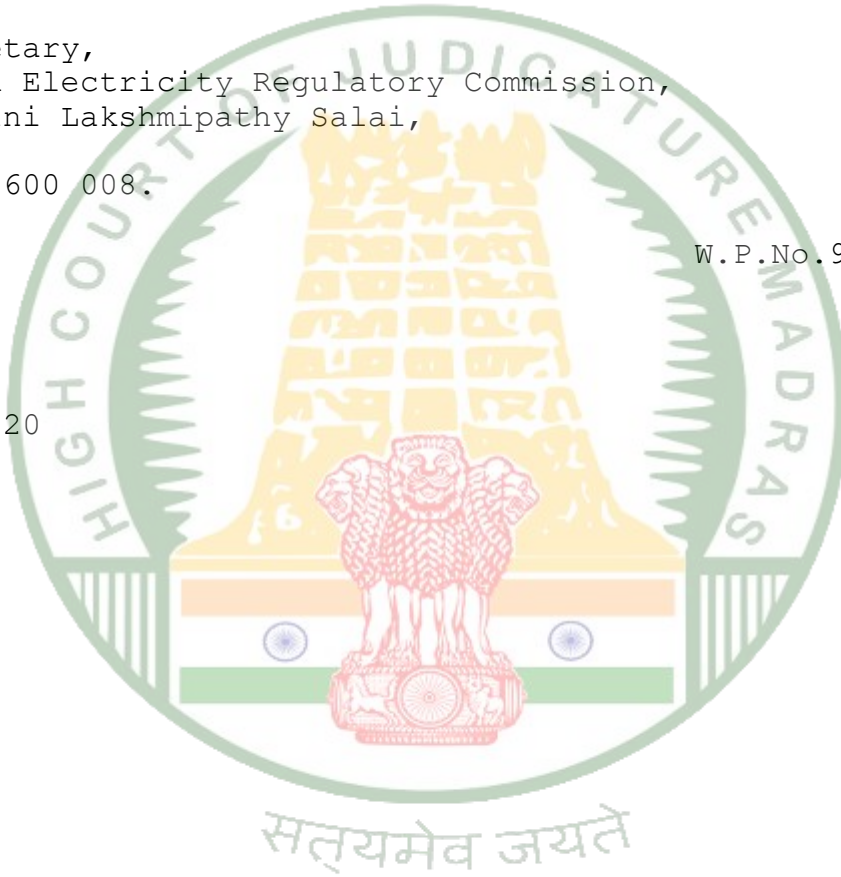
Rj

To

The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19A, Rukmini Lakshmipathy Salai,
Egmore,
Chennai - 600 008.

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