



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).Nos.14514 & 14525 of 2020

and W.M.P. (MD).Nos.12170, 12174, 12183 & 12184 of 2020

WEB COPY

Arkay Energy (Rameswarm) Ltd.,
Having its registered office at
6th Floor, Sanpras Corporate Capital,
Survey No.115/1, Financial District,
Nanakramguda, Gachibowli,
Hyderabad - 500 032.

And its branch office at
No.20, (Old No.29), Chamiers Road,
Nandanam, Chennai - 600 035,
represented by its Authorised Signatory,
Mr.T.S.Das .. Petitioner in both petitions
Vs.

1.Principal Secretary to Government,
Energy Department, Government of Tamilnadu,
Secretariat, Chennai.

2.Additional Chief Secretary,
Electricity Board,
NP K R Ramasamy Maaligai,
144, Anna Salai,
Chennai - 600 002.

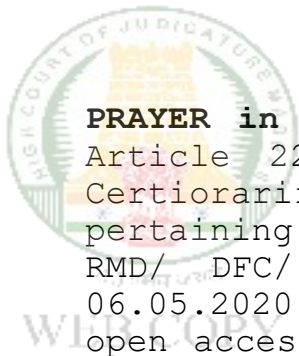
3.The Chairman,
Tamil Nadu Transmission Corporation Ltd.,
NP K R Ramasamy Maaligai,
144, Anna Salai, Chennai - 600 002.

4.The Chairman,
Tamil Nadu Generation and Distribution Corporation,
10th Floor, NP K R Ramasamy Maaligai,
144, Anna Salai,
Chennai - 600 002.

5.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Ramnad Elecy, Distn Circle,
Ramnad.

6.The Chief Finance Controller/Revenue
TANGEDCO (Accounts Branch)
144, Anna Salai, Chennai - 600 002.

.. Respondents
in both petitions



PRAYER in W.P(MD).No.14514 of 2020: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records of the 5th respondent pertaining to the impugned demand letters bearing Lr.No. SE/ REDC/ RMD/ DFC/ AO/ R/ AAO/ HT/ ASST./ F.AERL/ D.No.500/20, dated 06.05.2020 levying a sum of Rs.1,34,51,325/- as the dues payable for open access charges for April 2020 and quash the same owing to the force majeure condition as notified by the Central and State Governments for the period when there was no utilization of the transmission and distribution infrastructure of the respondents for the Medium Term Open Access due to force majeure conditions.

PRAYER in W.P(MD).No.14525 of 2020: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records of the 5th respondent pertaining to the impugned demand letters bearing Lr.No. SE/ REDC/ RMD/ DFC/ AO/ R/ AAO/ HT/ ASST./ F.AERL/ D.No.356/20, dated 04.04.2020 levying a sum of Rs.1,38,99,703/- for the month of March 2020 and quash the same in terms of letter dated 13.04.2020 and 28.05.2020 to the extent when there was no utilization of the transmission and distribution infrastructure of the respondents for the Medium Term Open Access due to force majeure conditions.

For Petitioner	:	Mr.Aniruth Krishnan for Mr.S.Anandchandrasekhar
For Respondents	:	Mrs.M.Rajeswari for Mr.S.M.S.Johnny Basha, Standing Counsel (in both petitions)

COMMON ORDER

The issue involved in these writ petitions was also the subject matter of a batch of writ petitions in W.P.No.7737 of 2020 and batch, which was disposed of by a learned single Judge of this Court, by his order dated 17.09.2020. This Court has perused and examined the order dated 17.09.2020, passed by the learned single Judge of this Court in the Principal Seat with regard to the same issue.

2.The following directions were issued by the learned Single Judge, while disposing of the batch of writ petitions.

"(a) The issues involved in these writ petitions viz., whether the petitioners are liable to pay the open access charges during the lockdown period under the Grid Connectivity and Intra-State Open Access Regulations, 2014 and under the Agreements entered into between the parties, are referred to the TNERC and the TNERC is directed to adjudicate upon hearing the parties and pass final orders.

(b)the TNERC shall issue notice to both the petitioners as well as to the respondents herein and



fix a date and direct them to submit their written submissions and also hear the counsel appearing on either side, if they insist for oral arguments also. (c) the TNERC shall pass final orders within a period of four weeks from the date of commencement of the proceedings."

WEB COPY

3. This Court is in agreement with the view taken by the learned single Judge of this Court in the aforesaid batch of writ petitions. Therefore, similar directions will have to be issued for this petitioner also, as was done by the learned single Judge in the batch of writ petitions by his order dated 17.09.2020.

4. Accordingly, as directed by the learned single Judge in a batch of writ petitions on 17.09.2020 in W.P.No.7737 of 2020 batch, these writ petitions are also disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CSII)

// True Copy //

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Sub Assistant Registrar (CS)

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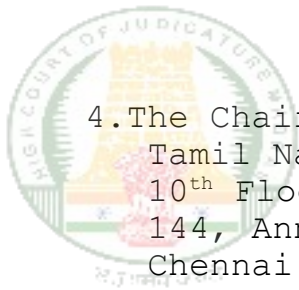
Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. Principal Secretary to Government,
Energy Department, Government of Tamilnadu,
Secretariat, Chennai.

2. Additional Chief Secretary,
Electricity Board,
NP K R Ramasamy Maaligai,
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Ramnad Elecy, Distn Circle,
Ramnad.

6.The Chief Finance Controller/Revenue
TANGEDCO (Accounts Branch)
144, Anna Salai, Chennai - 600 002.

+2 CC to M/s.ANAND CHANDRASEKAR, Advocate (SR-20416[F] dated
16/10/2020)

W.P(MD).Nos.14514 & 14525 of 2020
16.10.2020

NS (CO)
KB(03.11.2020) 4P 9C