

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2021

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.21124 of 2016

and

W.M.P.Nos.18064 & 18065 of 2016

(Through Video Conferencing)

GHCL Limited,

[Unit: Sree Meenakshi Mills]

Thiakesar Alai P.O.

Manapparai - 621 312,

Trichy Dist.

.... Petitioner

Vs.

1. TANGEDCO

Rep. by its Chairman & Managing Director
No.144, Anna Salai, Chennai - 02.

2. The Chief Financial Controller (Revenue)

TANGEDCO,
144, Anna Salai.

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

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

5. The Superintending Engineer,
Trichy (Metro) Electricity Distribution Circle,
TANGEDCO, Trichy.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents, their men, agents, subordinates etc. to implement the order of the Hon'ble TNERC in DRP No.19 of 2013 dated 19.01.2015 by effecting appropriate priority in adjustment of the REC Wind Units against the respective consumption HT SC No(s). of the petitioners captive consumption point.

For Petitioner : Mr.Vishnu Mohan

For Respondents: Mr.P.Gunaraj, Standing Counsel

O R D E R

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

2. This Writ Petition has been filed for a mandamus to direct the respondents to implement order dated 19.01.2015 in DRP No.19 of 2013 passed by the Tamil Nadu Electricity Regulatory Commission (TNERC) by effecting the appropriate priority in adjustment of the REC Wind Units against the respective consumption HT SC No(s). of the petitioners captive consumption point and such other reliefs.

3. The order was not implemented apparently as an appeal was pending before the Appellate Tribunal for Electricity, New Delhi in Appeal No.53 of 2016 along with I.A.No.138 of 2016 against the order dated 19.01.2015 in DRP No.19 of 2013. It is informed that the Appellate Tribunal for Electricity, by its order dated 23.09.2016, has however dismissed the appeal of the respondents. Thus, the order dated 19.01.2015 passed by the Tamil Nadu Electricity Regulatory Commission (TNERC) is binding on the respondents.

4. It is further informed that against the order dated 23.09.2016 of the Appellate Tribunal for Electricity, respondents have moved the Hon'ble Supreme Court and the appeal is said to be pending in Civil Appeal Diary No.39998 of 2016. The Hon'ble Supreme Court has ordered to status quo vide interim order dated 18.09.2017. The learned counsel for the petitioner has filed a copy of the extract from the Hon'ble Supreme Court's website and submits that the status quo ordered on 18.09.2018 is in force as on date.

5. Considering the same, I am inclined to dispose this Writ Petition by directing the parties to maintain the status quo as per the interim order of the Hon'ble Supreme Court and all further actions will be subject to the final outcome of the said appeal of the respondents before the Hon'ble Supreme Court.

6. The respondents shall comply with the directions / orders dated 19.01.2015 passed by the Tamil Nadu Electricity Regulatory Commission (TNERC) as affirmed by the Appellant Tribunal for Electricity, New Delhi vide order dated 23.09.2016 subject to the final outcome of the said Civil Appeal Diary No.39998 of 2016 of the respondents

7. This Writ Petition is disposed of with the above observations. No cost. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman & Managing Director
TANGEDCO
No.144, Anna Salai, Chennai - 02.
2. The Chief Financial Controller (Revenue)
TANGEDCO,
144, Anna Salai.
3. The Superintending Engineer,
Tirunelveli Electricity Distribution Circle
TANGEDCO, Tirunelveli.
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TANGEDCO, Madurai.
5. The Superintending Engineer,
Trichy (Metro) Electricity Distribution Circle,
TANGEDCO, Trichy.

+1cc to Mr.P.Gunaraj,Advocate,Sr.20288

+1cc to Mr.Vishnu Mohan,Advocate,Sr.20243

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GPL(CO)
baf 12/05/2021