

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.03.2021
CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.35772 of 2015
and
M.P.Nos.1 & 2 of 2015

(Through Video Conferencing)

Echanda Urja Pvt. Ltd.
Rep by its authorised signatory,
Mr. V. Muthuswamy,
618, Maker Chamber V,
Nariman Point, Mumbai 400 021. ... 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,
Namakkal Electricity Distribution Circle
TANGEDCO, Namakkal.
4. SJLT Textiles Pvt. Ltd.,
Rep. by its Manager,
NH 7, Namakkal Karur Main Road,
Pillaikalthur, P. Velur
Namakkal - 637 207.
5. SJLT Spinning Pvt. Ltd.,
Rep. by its Manager,
NH 7, Namakkal Karur Main Road,
Pillaikalthur, P. Velur
Namakkal - 637 207.
6. Tamil Nadu Electricity Board,
Rep. by its Chairman,
No.144, Anna Salai,
Chennai - 02. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 3 and 6, their men, agents, subordinates etc. to implement

the order of the Hon'ble TNERC (Tamil Nadu Electricity Regulatory Commission) 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 group captive consumers.

For Petitioner : Mr.Vishnu Mohan

For R1 to R3 & R6 : Mr.P.Gunaraj, Standing Counsel

O R D E R

Heard the learned counsel for the petitioner and the learned Standing Counsel for the first to third and sixth respondents.

2. This Writ Petition has been filed for a mandamus to direct the first to third and sixth respondents to implement the 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 group captive consumers 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. The Appellate Tribunal for Electricity, by its order dated 23.09.2016, has however dismissed the said appeal. Thus, the order dated 19.01.2015 passed by the Tamil Nadu Electricity Regulatory Commission (TNERC) is binding on the respondents.

4. Against the order of the Appellate Tribunal for Electricity, first to third and sixth respondents have moved the Hon'ble Supreme Court vide 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 of the Civil Appeal Diary No.39998 of 2016 indicates 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 are therefore directed to 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.

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,
Namakkal Electricity Distribution Circle
TANGEDCO, Namakkal.
4. The Chairman,
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai - 02.

+cc to Mr.Vishnu Mohan,Advocate, Sr.20242

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(2/2)

GPL(CO)
baf 12/05/2021