



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WP No.12411 of 2019, WP No.923, 1988, 6608, 11615 of 2020 and
11490 of 2021

W.M.P.No.12706, 12708 & 19642 of 2019, 1106, 2328, 2329, 7836,
14243, 14242, 14244 of 2020, 12234, 12235 of 2021

Chennai Petroleum Corporation Limited,
Represented by its Chief General manager (HR and Legal)
536, Anna Salai, Teynampet,
Chennai - 600018

...Petitioner in WP No.12411 of 2019

1. M/s. Noble Tech Industries
Pvt. Ltd. H.T.SC.No.099094100213 14/2 A2,
Melpakkam Village, Uthiramerur Taluk,
Kanchipuram District, Pin Code
Rep. by its Authorized Signatory C.Ravi

...Petitioner in WP No.923 of 2020

1. TANFAC Industries Ltd. ,
Rep. by its Authorised Signatory,
Plot 14, SIPCOT Industrial Complex,
Cuddalore 607005

...Petitioner in WP No.1988 of 2020

1. Dharani Sugars and Chemicals Limited,
Kalyanallur Village,
Sankaranallur Village,
Sankarapuram Taluk

...Petitioner in WP No.6608 of 2020

1. OPG Renewable Energy Private Ltd.,
Rep by its Authorised Signatory
Mr.Sudhir Sanghi, HTSC No.1995 No.6,
Sardar Patel Road, Guindy, Chennai 032

...Petitioner in WP No.11615 of 2020

1. Birla Carbon India Private Ltd.,
(Formerly Known as SKI Carbon Black (India)
Private Limited), K-16, Phase II,
Sipcot, Industrial Complex,



P.O. Gummidipoondi District,
Thiruvallur - 601 201

... Petitioner in WP No.11490 of 2021

-Vs-

WEB COPY

1. Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Represented by its Chairman and Managing Director,
144, Anna Salai,
Chennai - 600002

2. Superintending Engineer,
CEDC/NORTH,
Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
144, Anna Salai,
Chennai - 600002.

3. Tamil Nadu Electricity Regulatory Commission,
No.19-A, Rukmini Lakshmipathy Salai (Marshall's road),
Represented by its Chairman,
Egmore, Chennai-600 008

... Respondents in WP No.12411 of 2019

1. The Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO)
Rep. by its Chairman and Managing Director,
Anna Salai, Chennai 600 002.

2. The Superintending Engineer,
Kanchipuram Electricity Distribution Circle,
Anna Maaligai, Vellore Road, Olimuthamedpet
Kancheepuram

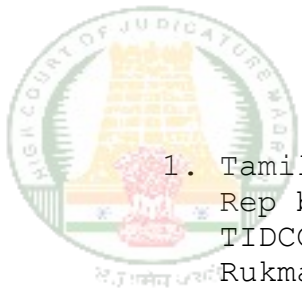
... Respondents in WP No.923 of 2020

1. Tamil Nadu Electricity Generation And Distribution Company (TANGEDCO),
Rep. by its Chairman and Managing Director,
No.144, Anna Salai, Chennai 600 002

2. The Superintending Engineer
Cuddalore Electricity Distribution Circle,
Capper Hills, Cuddalore.

3. The Chief Financial Controller/Revenue TANGEDCO
No.800, Anna Salai,
Chennai 600 002

... Respondents in WP No.1988 of 2020



WEB COPY

1. Tamil Nadu Electricity Regulatory Commission,
Rep by its Secretary,
TIDCO Office building, No.19-A,
Rukmani Lakshmipathy Salai,
Marshalls Road, Egmore, Chennai-600 008

2. Tamil Nadu Generation and Distribution
Corporaion Ltd,
Rep by its Chairman and MD,
144, Anna Salai, Chennai-600 002

3. The Superintending Engineer,
Kallakurichi Distribution Circle,
Kallakurichi

... Respondents in WP No.6608 of 2020

1. Tamil Nadu Electricity Regulatory Commission,
Represented by its Secretary,
TIDCO office building, No.19-A,
Rukmani Lakshmipathy salai, Marshalls Road,
Egmore, Chennai 600 008

2. Tamil Nadu Generation and Distribution
Corporation Ltd,
Represented by its Chairman and MD,
144, Anna Salai, Chennai 600 002.

3. The Superintending Engineer,
CEDC / North Chennai Distribution Circle,
144, Anna Salai, Chennai 600 002

4. The Chief Engineer (PPP),
6th Floor, Eastern Wing, 144, Anna Salai
Chennai 600 002

... Respondents in WP No.11615 of 2020

1. Tamil Nadu Generation and Distribution
Corporation Ltd,
Rep by its Chairman and MD,
No.144, Anna Salai, Chennai- 600 002.

2. The Superintending engineer,
CEDC/ North Distribution Circle,
144, Anna Salai, Chennai- 600 002.

... Respondents in WP No.11490 of 2021



Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari or order or direction in the nature of a writ, calling for the entire records of the proceedings culminating in the issuance of the Demand Notice bearing Lr. No. SE/ CEDC/ N/DFC/ N/AO/Rev/ AAO/ HT/ AS. 1/F. 1169/ D/ 708/ 2019 and dated 22/02/2019 by the Second Respondent herein calling upon the Petitioner herein to pay a sum of Rs.21,69,99,000/- towards Parallel Operation Charges (POC) and quash the same.

Prayer in WP No.923 of 2020 : Calling for the records of the 2nd respondent in Lr.No.0193/RCS/A1/F.Parallel Operation Charges 2019 dated 19.11.2019 and quash the same as illegal arbitrary against Tariff order dated 11.08.2017 and under section 56(2) of the Electricity Act 2003 and consequently direct the 2nd Respondent to adjust the amounts collected during April 2019 to September 2019.

Prayer in WP No.1988 of 2020 : Calling for the records of the 2nd Respondent in impugned demand notice bearing Lr.No.SE/ CEDC/CUD/DFC/AO/REV/AS/D.584/2019 dated 31.12.2019 and quash the same as being arbitrary, illegal, violative of the principles of natural justice besides being violative of the provisions of the Electricity Act, 2003 and Tamil Nadu Electricity Regulatory Commission Grid Connectivity and Intra-State Open Access Regulations, 2014, and forbear the respondents from proceeding against the Petitioner in any.

Prayer in WP No.6608 of 2020 :Calling for the records comprised in the demand notice in Lr.No. SE/ KEDC/ KKI/ DFC/ AAO/ A.1 / F.PARALLEL/ D.1073/ 2020 dated 12.02.2020 issued by the 3rd respondent and the consequent inclusion of parallel operation charges in the current consumption bill for the month of February 2020 issued for HT. Service Connection No.029094170066 dated 01 March 2020 and quash the same as being arbitrary and illegal and consequently direct the 3rd respondent to issue revised current consumption bill for the month of February 2020 HT. Service Connection No.029094170066 excluding parallel operation charges.

Prayer in WP No.11615 of 2020 :Calling for the recors comprised in the demand notice in Lr.No. SE/CEDC/N/DFC/N/AO/REV/AAO/HT/ AS.3/F.1995/D.706 dated 22.02.2019 issued by the 3rd respondent and quash the same as being arbitrary and illegal and consequently direct the Respondents to process applications



filed by the petitioner for open access, grant of CGP status, wheeling etc, as the case may be, by issuance of a No Objection certificate in respect of pending dues.

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Prayer in WP No.11490 of 2021 : Calling for the records comprised in the demand notice in Lr. No. SE/CEDC/N/DFC/AO/Rev/AAO/HT/AS.4/F.POC/D.2364/2021 dated 24.03.2021 issued by the 2nd respondent and quash the same as being arbitrary and illegal and consequently direct the Respondent not to levy parallel operation charges on the petitioners generating plants and direct TANGEDCO to refund the Parallel Operation charges paid by petitioner since the same is inapplicable to the petitioners plant.

For Petitioner : Mr. M.S.Krishnan
in WP 12411/19 Senior counsel for M/s.S.Arjun suresh

For Respondent : Mr. L.Jaivenkatesh
in WP 12411/19 Standing counsel for R1, R2
Mr. Abdul Salem
Standing counsel for R3

For Petitioner : Mr.Rahul Balaji
Counsel for petitioner in
WP Nos.6608/20, 11490/21, 11615/20
and 1988/20
: Mr.K.Sesaadri
Petitioner in WP 923/2020

For Respondents : Mr.Abdul Saleem
Standing Counsel
for R1 in WP 6608/20 and 11615/2020
Mr.L.Jaivenkatesh
Standing Counsel for
R2 & R3 in WP 6608/20
R1 & R2 in WP 11490/21
R2 to R4 in WP 11615/20
and WP 923/20 and 1988/2020

O R D E R

When the batch was taken up for hearing, it was represented on the side of the petitioners that the larger issue is now pending by way of an Appeal before the Appellate Tribunal for Electricity (APTEL), New Delhi. It was further submitted that no further useful purpose will be served in remanding the matter back to the file of the State Regulatory



Commission, since the Commission has already taken a decision and aggrieved by the same, the Appeal was filed before APTEL. Therefore, it was requested that all these writ petitions can be transferred to the file of the APTEL in order to enable the petitioners to participate in the Appeal and raise the grounds that have been raised by them in these writ petitions.

2. The learned Standing counsel appearing on behalf of the TANGEDCO circulated the list of cases that are pending on the file of APTEL and Stated that he leaves it to this Court to take a decision with regard to the transfer of the cases to APTEL.

3. The learned Senior counsel appearing on behalf of the petitioner in W.P.No.12411 of 2019, circulated the interim orders passed by APTEL on 06.08.2019. It is seen from the interim order that the APTEL has taken a note of the interim orders that were passed by this Court in the writ petitions and had granted the interim order, pending the appeal. In view of the same, it will be more appropriate if all these writ petitions are transferred to the file of the APTEL.

4. Accordingly all these writ petitions shall stand transferred to the file of the APTEL to be heard along with Appeal Nos. 162, 163, 164, 165, 173, 233, 234, 276, 310, 323, 324, 325, 328, 395, 434, 2410, 214 & 215 of 2019 & 82 of 2020. It is left open to the petitioners to raise all the grounds that have been raised in the writ petitions before APTEL. Till the appeals are disposed of by the APTEL, the interim order that has already been granted by this Court shall continue.

5. All these writ petitions are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rka/sha

Note : The Registry is directed to send the copies of the writ petitions and the other documents and the original papers shall be retained by the Registry.



To

1. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
144, Anna Salai,
Chennai - 600002
2. Superintending Engineer,
CEDC/NORTH,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
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3. Tamil Nadu Electricity Regulatory Commission,
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7. The Secretary,
Tamil Nadu Electricity Regulatory Commission,
TIDCO office building, No.19-A,
Rukmani Lakshmipathy salai, Marshalls Road,
Egmore, Chennai 600 008
8. The Superintending Engineer,
Kallakurichi Distribution Circle,
Kallakurichi.
9. The Chief Engineer (PPP),
6th Floor, Eastern Wing,
144, Anna Salai
Chennai 600 002.



Copy to:

1. The Section Officer,
ER Section, High Court, Madras -104

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2. The Appellate Tribunal for Electricity (APTEL)
New Delhi

+3CCs to Mr.R.Parthasarathy, Advocate, Sr.Nos.48648, 48646, 48647
+1CC to Mr.Abdul Saleem, Standing Counsel, Sr.No.48300
+1CC to Mr.S.Arjun Suresh, Advocate, Sr.No.48395
+1CC to Mr.K.Sesaadri, Advocate, Sr.No.48825

WP No.12411 of 2019, 923, 1988, 6608,
11615 of 2020 and 11490 of 2021
W.M.P.No.12706, 12708 & 19642 of 2019

SJ (CO)
K.RK. (07.10.2021)