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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.35657 of 2016

and

W.M.P.Nos.30649 & 30650 of 2016

and 7233 of 2017

Indian Wind Power Association,
Rep. by its Secretary General,
Door No.E, 6th Floor,
Shakti Towers-II,
766, Anna Salai,
Chennai - 600 002.

...Petitioner

Vs

1.Tamil Nadu Generation and Distribution
Corporation Ltd.,
Rep. by its Chairman & Managing Director,
144, Anna Salai,
Chennai - 600 002.

2.Tamil Nadu Transmission Corporation Ltd.,
Rep. by its Managing Director,
144, Anna Salai,
Chennai - 600 002.

3.Tamil Nadu Electricity Regulatory Commission,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai - 600 008.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to implement the order of the Hon'ble TNERC in R.A.No.06 of 2013 dated 31.03.2016 in entirety and implement the Tariff Order No.3 of 2016, being the comprehensive Wind Tariff Order passed by the 3rd respondent, in so far as Scheduling and System Operation Charges are concerned after awaiting for the orders in R.P.No.1 of 2016.



For Petitioner : Mr.Rahul Balaji

For Respondents : Mr.L.Jaivenkatesh
Standing Counsel

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O R D E R

The relief sought for in the present writ petition is to direct the first respondent to implement the order of the Tamil Nadu Electricity Regulatory Commission in R.A.No.06 of 2013 dated 31.03.2016 in entirety and implement the Tariff Order No.3 of 2016, being the comprehensive Wind Tariff Order passed by the 3rd respondent, in so far as Scheduling and System Operation Charges are concerned after awaiting for the orders in R.P.No.1 of 2016.

2.The learned counsel appearing for the petitioner made a submission that though Tariff Order No.3 of 2016 was issued, the respondents have failed to implement the same without any valid reason. However, during the pendency of the writ petition, the respondents issued another Circular. Memo No.CFC/REV/DFC/REV/AS.3/D.NO.387/17 dated 03.10.2017.

3.In the said Circular, the respondents have clearly stated that the working instructions issued in the Circular along with illustrations are to be implemented to revise the CC bills in respect of the wind energy captive users under Preferential tariff as well as under REC scheme from 01.08.2012 to 31.03.2016.

4.In paragraph 8.0 of the Circular dated 03.10.2017, the Chief Financial Controller/Revenue, TANGEDCO stated as under:

"8.0. Further, it is stated that while revising the CC bills from 01.08.2012 to 31.03.2016 in respect of the wind energy captive user, if any refund of banking charges and other charges arising, the same may be allowed for adjustment in the ensuing CC bill(s) in 10 instalments. Similarly, if any collection of CC charges is arising, the same shall be collected separately by issuing separate demand with 15 days' notice and if not paid, the same may be included in the ensuing CC bill after giving appropriate notice to the respective consumers. Instalments if any requested can be acted upon suitably without exceeding three monthly



instalments."

5. In spite of the Circular issued by the respondents, the Field Level Authorities have so far not implemented the Circular. This being the complaint raised by the petitioners, the respondents are directed to ascertain the implementation by the concerned jurisdictional authorities and if not implemented, initiate necessary steps to ensure that the Circulars issued by the respondents are implemented as per the procedures as contemplated.

6. With these directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

cse

To

1. The Chairman & Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
144, Anna Salai,
Chennai - 600 002.
2. The Managing Director,
Tamil Nadu Transmission Corporation Ltd.,
144, Anna Salai,
Chennai - 600 002.
3. Tamil Nadu Electricity Regulatory Commission,
No.19A, Rukmini Lakshmi Pathy Salai,
Egmore, Chennai - 600 008.

+1cc to Mr.R.Parthasarathy, Advocate SR.No.63711

W.P.No.35657 of 2016

SSI (CO)
GN(13/12/2021)