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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.15499 of 2021
and W.M.P.No.16428 of 2021

Anangoor Textile Mills (P) Ltd. Unit-II,
Rep. by its Electrical Engineer,
R.Ganeshmoorthy, HTSC No.443,
S.F.No.579, Veeranampalayam Village,
Kangeyam to Karur NH 67 Main Road,
Kangeyam-638701, Tiruppur Dist. ..Petitioner

Vs.

1. Tamilnadu Generation and Distribution Corporation Ltd (TANGEDCO)
Represented by its Chairman & Managing Director,
No.144, Anna Salai, Chennai -02.
2. The Chief Engineer,
Non-Conventional Energy Sources,
TANGEDCO, 2nd Floor, No.144, Anna Salai,
Chennai -02.
3. The Superintending Engineer,
Palladam Electricity Distribution Circle,
Tamilnadu Generation and Distribution Corporation Limited, Palladam.
4. The Superintending Engineer,
Tirupur Electricity Distribution Circle,
Tamilnadu Generation and Distribution Corporation Limited, Tirupur.
5. Tamilnadu Electricity Regulatory Commission,
Represented by its Secretary,
19-A, Rukmani Lakshmipathy Salai,
Egmore, Chennai -600008. ..Respondents

Prayer:- The Writ Petition is filed under Article 226 of Constitution of India for writ of Mandamus, directing the 2nd and 3rd Respondents to give the adjustment of the excessively



collected Banking charge of Rs.2,03,850/- (Period from 01.08.2012 to 31.03.2016) based on the working instructions issued by the 1st Respondent dated 03.10.2017 in the matter of implementation of the order of the State Commission (TNERC) issued in RA. No. 6 of 2013 dated 31.03.2016.

For Petitioner : Mr.S.P.Parthasarathy

For Respondents : Mr.M.Abul Kalam, TNEB

O R D E R

The writ petitioner seeks direction to the respondents 2 and 3 to adjust the excessively collected Banking charge of Rs.2,03,850/- (Period from 01.08.2012 to 31.03.2016) in the ensuing CC bills, based on the working instructions issued by the first respondent, dated 03.10.2017 in the matter of implementation of the order of the State Commission (TNERC) issued in RA. No. 6 of 2013 dated 31.03.2016.

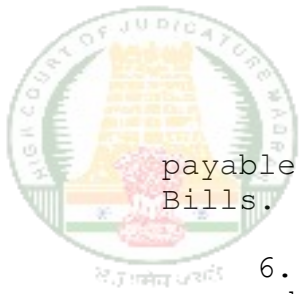
2. According to the petitioner, petitioner is owning windmills and also entered into an Energy Wheeling Agreement with the respondent Board and entitled for adjustment of the energy so generated from the Windmills for his captive consumption at this Spinning Mills as fixed by the Tamil Nadu Electricity Regulatory Commission.

3. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents and perused the materials available on record.

4. The learned counsel for the petitioner relied upon by the final orders passed by this Court in similar matter in W.P.No.3987 of 2021, dated 30.03.2021 and seeks similar order in the present writ petition. The relevant paragraphs of the said order is extracted below:

"4. This Court by an order, dated 5/4/2017, directed the respondents 1 to 3 therein to implement the order of the State Commission (TNERC) in R.A.No.6 of 2013, dated 31/3/2016, within a period of eight weeks, from the date of receipt of a copy of the order, dated 5/4/2017. Thereafter, the second respondent has issued a circular in Memo No.CFC/REV/DFC/REV/AS.3/D.No.384/17 dated 3/10/2017, by referring the orders of this Court and passed an order as follows:-

"While revising the CC bills from 1/8/2012 to 31/3/2016 in respect of the wind energy captive



payable to the petitioner can be adjusted in the ensuing CC Bills.

6. The learned standing counsel appearing for the respondent board on instructions has also agreed to adjust the excess amount with future CC Bills after the same is approved by the respondent board.

7. Following the order of this Court, dated 30.03.2021 passed in W.P.No.3987 of 2021, this Court is inclined to direct the respondent board to adjust the excess amount payable to the petitioner in the future Consumption Charges Bills.

8. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman & Managing Director,
Tamilnadu Generation and Distribution
Corporation Ltd (TANGEDCO)
No.144, Anna Salai,
Chennai -02.
2. The Chief Engineer,
Non-Conventional Energy Sources,
TANGEDCO,
2nd Floor, No.144,
Anna Salai, Chennai -02.
3. The Superintending Engineer,
Palladam Electricity Distribution Circle,
Tamilnadu Generation and Distribution
Corporation Limited,
Palladam.



4. The Superintending Engineer,
Tirupur Electricity Distribution Circle,
Tamilnadu Generation and Distribution
Corporation Limited,
Tirupur.

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5. The Secretary.
Tamilnadu Electricity Regulatory Commission,
19-A, Rukmani Lakshmipathy Salai,
Egmore, Chennai -600008,

+1cc to Mr.M.A.Kalam, Standing Counsel, S.R.No.36328

+1cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.36356 (07/09/2021)

W.P.No.15499 of 2021
and W.M.P.No.16428 of 2021

LN(CO)
RGA(19/08/2021)