



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.36599 and 36600 of 2016
and

W.M.P.Nos.31469 to 31472 of 2016 and 7234 and 7235 of 2017

1. Rajaguru Spinning Mills Private Limited,
HT SC No.235
Regd. Office: 3/249, Sankari Main Road,
Vediyarasmalayam, Pallipalayam,
Erode-638 008 repd. by its
Authorized Signatory T.Selvaraj.
...Petitioner in W.P.No.36599 of 2016
2. Rajaguru Spinning Mills Private Limited,
HT SC No.354
Regd. Office: 3/249, Sankari Main Road,
Vediyarasmalayam, Pallipalayam,
Erode-638 008 repd. by its
Authorized Signatory T.Selvaraj.
...Petitioner in W.P.No.36600 of 2016

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,
Rep. by its Secretary,
No 19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai - 600 008.
4. Cheif Engineeer/NCES,
(Non Conventional Energy Sources),
144, Anna Salai, Chennai- 600 002.



5. Superintending Engineer,
Mettur Electricity Distribution Circle,
Mettur Dam - 636 401

...Respondents in both W.Ps

Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the Respondents and their men, agents from collecting Scheduling and System Operation Charges alone from the Petitioner based on the 4th Respondent's Circular memo date 18.08.2016 until the clarification issued by the 3rd Respondent in R.P.No.1 of 2016.

For Petitioners : Mr.S.P.Parthasarathy
in both W.Ps

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel [TNEB/TANGEDCO]
in both W.Ps

COMMON ORDER

These writ petitions have been filed to forbear the respondents and their men, agents from collecting Scheduling and System Operation Charges alone from the petitioner based on the 4th respondent's Circular Memo dated 18.08.2016.

2.This Court vide order dated 19.10.2016, passed the following interim order:

"Mr.S.K.Rameshuwar, learned standing counsel takes notice on behalf of the respondents.

2.In view of the earlier order passed on 06.10.2016 in W.P.No.35657 of 2016, the operative portion of which reads as follows:

"4.To strike a fine balance between the rights of the parties, instead of directing the petitioner to pay at the old rate or at the rate, as per the new Tariff order, this Court directs the petitioner to pay @ Rs.300/- per day, irrespective of the capacity of WEGs, towards Scheduling and System Operating Charges, pending disposal of the writ petition."

there shall be an order directing the petitioner in each of the cases to pay @ Rs.300/- per day, irrespective of the capacity of WEGs, towards Scheduling and System Operating Charges, pending disposal of the writ petitions.



3.Post along with W.P.No.35657 of 2016.”

3.Today when the matter is taken up for hearing, the learned counsel appearing for the petitioner submits that the Appeal No.177 of 2016, is still pending before the Appellate Tribunal. The issue involved in the present writ petitions and the issue before the Appellate Tribunal are one and the same. Therefore, whatever the order passed by the Appellate Tribunal, will directly apply to the petitioner herein.

4. In view of the above, keeping these writ petitions pending will not serve any purpose and this Court is inclined to close the writ petitions.

5. Accordingly, the writ petitions stand closed with a direction to the petitioner in each of the cases to pay at the rate of Rs.300/- per day, irrespective of the capacity of Wind Energy Generators (WEGs), towards Scheduling and System Operating Charges, pending disposal of the Appeal No.177 of 2016, before the Appellate Tribunal for Electricity, New Delhi. No costs. 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,
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.The Secretary,
Tamil Nadu Electricity Regulatory Commission,
No 19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai - 600 008.
- 4.Cheif Engineeer/NCES,
(Non Conventional Energy Sources),
144, Anna Salai, Chennai- 600 002.



5. Superintending Engineer,
Mettur Electricity Distribution Circle,
Mettur Dam - 636 401.

6. The Appellate Tribunal for Electricity,
New Delhi.

+2ccs to Mr. R. S. Pandiyaraj, Advocate SR. No. 63394

W.P. Nos. 36599 and 36600 of 2016

PA (CO)
PR (16/12/2021)