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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.36719 OF 2016

AND

W.M.P.NOS.31560 & 31561 OF 2016

Sri Krishna Paper Industries,
HTSC.No.282,
No.4-B, SIDCO Industrial Estate,
Mettur - 636 402.
Salem District by its Manager,
N.Sakthivel

... Petitioner

..Vs..

1. The Tamil Nadu Generation and
Distribution Corporation Ltd.,
Rep. by its Chairman & Managing Director,
144, Anna Salai,
Chennai - 600 002.
2. The Tamil Nadu Transmission Corporation Ltd.,
Rep. by its Managing Director,
144, Anna Salai,
Chennai - 600 002.
3. The Tamil Nadu Electricity Regulatory Commission,
Rep. by its Secretary,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai - 600 008.
4. The Chief Engineer/NCES,
(Non Conventional Energy Sources)
144, Anna Salai,
Chennai - 600 002.
5. The Superintending Engineer,
Mettur Electricity Distribution Circle,
Mettur Dam - 636 401.

... Respondents



PRAYER:-

Petition filed Under Article 226 of the Constitution of India praying to issue 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 dated 18.08.2016 until the clarification issued by the 3rd respondent in R.P.No.1 of 2016.

For Petitioner : Mr.S.P.Parthasarathy

For Respondents : Mr.L.Jaivenkatesh
Standing Counsel

O R D E R

This writ petition has 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 20.10.2016, 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 to pay @ Rs.300/- per day, irrespective of capacity of WEGS towards Scheduling and System Operating Charges, pending disposal of the writ petition.

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 petition 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 this writ petition pending will not serve any purpose and this Court is inclined to close the writ petition.

5. Accordingly, the writ petition stands closed with a direction to the petitioner 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(CCC)

//True Copy//

Sub Assistant Registrar

Pns

To

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



4. The Chief Engineer/NCES,
(Non Conventional Energy Sources)
144, Anna Salai,
Chennai - 600 002.

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

Copy To:-

The Appellate Tribunal for Electricity,
New Delhi.

+1cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.63395

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GPL (CO)
PBS/21/12/2021