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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.36775 of 2016
and W.M.P.Nos.31615 & 31616 of 2016
and 7236 of 2017

Tamil Nadu Spinning Mills Association,
#2, Karur Road,
Modern Nagar, Dindigul - 624 001.
Represented by its Chief Advisor
Dr.K.Venkatachalam.

...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,
Rep.by its Secretary,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai - 600 008.
4. The Chief Engineer - NCES,
TANGEDCO,
144, Anna Salai,
Chennai - 600 002.

...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 from the petitioner Association based on the 4th respondent's Memo dated 18.08.2016 until the required clarification is 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 19.10.2016, passed the following interim order:

"Mr.S.K.Rameshuwar, learned standing counsel takes notice for the respondents.

2.This Court, in similar circumstances, in W.P.No.35657 of 2016, on 06.10.2016, passed the following order:

"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".

3.Following the above order passed by this Court, in a connected writ petition, there shall be a direction, in this writ petition as well, to 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.

4.Post the writ petition 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(CS IX)

//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. The Secretary,
Tamil Nadu Electricity Regulatory Commission,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai - 600 008.
4. The Chief Engineer - NCES,
TANGEDCO,
144, Anna Salai,
Chennai - 600 002.
5. The Chairman,
Appellate Tribunal for Electricity,
New Delhi.

+1cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.63653

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and
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NSK 15/12/2021