



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-12-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.38478 of 2016

And

WMP Nos.32955 to 32957 of 2016

M/s.Chemplast Sanmar Limited,
Plant I - HTSC No.004,
Mettur Dam R.S.,
Mettur Dam 636 403,
Represented by its Assistant General
Manager (Legal).

..Petitioner

vs.

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

4.Er.R.Jothinathan

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of 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 third respondent, in so far as Scheduling and System Operation charges are concerned after awaiting the orders in R P No.1 of 2016.



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For Petitioner : Mr.T.Ravichandran
For Respondents-1 and 2 : Mr.L.Jaivenkatesh,
Standing Counsel for
TANGEDCO.

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 third respondent, in so far as Scheduling and System Operation Charges are concerned after awaiting the orders in R.P.No.1 of 2016.

2. The learned counsel appearing on behalf of 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 petitioner-Company, 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 the abovesaid directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

Svn

To

- 1.The Chairman and 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, Rukmani Lakshmipathy Salai,
Egmore, Chennai - 600 008.

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KG(CO)
GN(14/12/2021)