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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.39688 of 2016

and

W.M.P.Nos.33954 & 33955 of 2016

and 11226 of 2017

Indian Wind Power Association,
Rep. by its Secretary General
Door No.E, 6th floor,
Shakti Towers-II,
766, Anna Salai,
Chennai - 600 002.

...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,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai - 600 008.
4. The Chief Financial Controller (Revenue),
TANGEDCO
2nd Floor, 144, Anna Salai,
Chennai - 600 002.

...Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned Circular Memo No.CE/NCES/SE/EE/WPP/AEE2/F.Order No.3, dated 31.03.2016/D.1553/2016 dated 18.08.2016 issued by the first respondent and a consequential Working Instruction bearing Memo No.CFC/FC/DFC/AO.HT/AS.3/REV/D.No.290-1/16 dated 03.10.2016 issued by the 4th respondent and set aside the same as being



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arbitrary and illegal and consequently direct the respondents to levy the same Scheduling and System Operation Charges for REC machines WEG as being applied to Non-REC Windmills.

For Petitioner : Mr.Rahul Balaji
For Respondents : Mr.L.Jaivenkatesh
Standing Counsel

O R D E R

This writ petition has been filed to call for the records of the impugned Circular Memo dated 18.08.2016 issued by the first respondent and a consequential Working Instruction Memo dated 03.10.2016 issued by the 4th respondent and set aside the same as being arbitrary and illegal and consequently direct the respondents to levy the same Scheduling and System Operation Charges for REC machines WEG as being applied to Non-REC Windmills.

2.This Court vide order dated 11.11.2016, passed the following interim order:

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

2.In view of the earlier order passed by this Court in W.P.No.36775 of 2016 dated 19.10.2016, there shall be a direction, in this Writ Petition as well, to the petitioner to pay @ Rs.300/- per day, irrespective of the capacity of REC, WEGS, towards Scheduling and System Operating Charges, pending disposal of the writ petition.

3.Post the matter along with W.P.No.36775 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.

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Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

cse

To

1. Tamil Nadu Generation and Distribution Corporation Ltd,
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4. The Chief Financial Controller (Revenue),
TANGEDCO
2nd Floor, 144, Anna Salai,
Chennai - 600 002.

Copy to:

The Appellate Tribunal for Electricity,
New Delhi.

+1cc to Mr.R.Parthasarathy, Advocate, S.R.No.63712

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and
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KG(CO)
SU(16/12/2021)