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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.NOS.40985 AND 40986 OF 2016

AND

W.M.P.NOS.34977 TO 37980 OF 2016

W.P.NO.40985 OF 2016

The Cotton Blossom (India) Pvt. Limited
HTSCNo.318, Plot No.P2,
Sipcot Industrial Growth Center,
Perundurai - 638 052, Erode,
Rep. by its Authorized Signatory,
A.A.Easwaramurthy.

... 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,
Erode Electricity Distribution Circle,
TANGEDCO, No.948, EVN Road,
Erode.

... 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 third respondent in R.P.No.1 of 2016.

For Petitioner : Mr.S.P.Parthasarathy

For Respondents : Mr.L.Jaivenkatesh
Standing Counsel

W.P.NO.40986 OF 2016

The Armstrong Power Systems Pvt. Ltd.,
61-C, Saminathapuram 2nd Street,
Anupparpalayam Post,
Tirupur - 641 652,
Represented by its Manager,
B.Saravanasuresh.

... 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,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.



6. The Superintending Engineer,
TANGEDCO,
Udumalpet Electricity Distribution Circle,
Udumalpet.

... Respondents

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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 third respondent in R.P.No.1 of 2016.

For Petitioner : Mr.S.P.Parthasarathy

For Respondents : Mr.L.Jaivenkatesh
Standing Counsel

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.

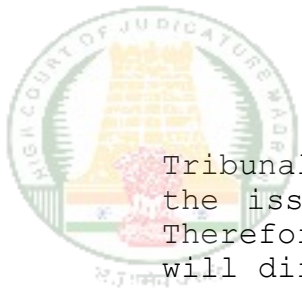
2. This Court vide order dated 22.11.2016, passed the following interim order:

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

2.In view of the earlier order passed by this Court on 19.10.2016 in W.P.Nos.36599 & 36600 of 2016, following the order dated 06.10.2016 passed in W.P.No.35657 of 2016, there shall be a direction to each of the petitioners in the above writ petitions as well, to pay @ Rs.300/- per day, irrespective of the capacity of WECS, towards Scheduling and System Operating Charges, pending disposal of the writ petition.

3.Post along with W.P.Nos.35657, 35699 & 36600 of 2016."

3. Today when the matter is taken up for hearing, the learned counsel appearing for the petitioners 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 petitioners herein.

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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 each of the petitioners 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 III)

//True Copy//

Sub Assistant Registrar

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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.
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6. The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

7. The Superintending Engineer,
TANGEDCO,
Udumalpet Electricity Distribution Circle,
Udumalpet.

Copy To:-

The Appellate Tribunal for Electricity,
New Delhi.

W.P.NOS.40985 AND 40986 OF 2016
AND W.M.P.NOS.34977 TO
37980 OF 2016

PMK (CO)
PBS/15/12/2021