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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.41437 of 2016

and

W.M.P.Nos.35409 & 35410 of 2016

and 11228 of 2017

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

...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 Engineer-NCES,
TANGEDCO
2nd Floor, 144, Anna Salai,
Chennai - 600 002.

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

...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 having REC windmills at the rate of Rs.2000/Day based on the 4th respondent's Circular Memo dated 18.08.2016.

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 25.11.2016, passed the following interim order:

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

Following the earlier order passed by this Court in W.P.No.39721 of 2016 dated 14.11.2016, there shall be an order directing 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.

Post along with W.P.No.39721 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-VI)

// 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.Tamil Nadu Electricity Regulatory Commission,
No.19A, Rukmini Lakshmipathy Salai,
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2nd Floor, 144, Anna Salai,
Chennai - 600 002.
- 5.The Superintending Engineer,
TANGEDCO
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

+1cc to Mr.R.S.Pandiyaraj, Advocate SR.No.63388

W.P.No.41437 of 2016

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KV(CO)

CB(15/12/2021)