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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.12.2021

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.19519 of 2019

Pioneer Jellice India Pvt. Ltd.,
Represented by its Director,
23A, Vallabai Road,
Chokikulam,
Madurai 625 002.

... Petitioner

Vs.

1. State Load Despatch Centre,
Rep. By Director Operations,
Tamil Nadu Transmission Corporation Ltd.,
SLDC Block, 144, Anna Salai, Chennai-2.
2. National Load Despatch Centre,
Represented by the Nodal Officer,
REC Mechanism,
First Floor, NLDC Office,
3-9, Qutub Institutional Area,
Katwaria Sarai, New Delhi 110 006
3. Tamil Nadu Generation and
Distribution Corporation Ltd.,
Rep. By Chairman and Managing Director,
144, Anna Salai, Chennai-2.
4. The Director-Generation,
Tamil Nadu Generation
and Distribution Corporation Ltd.,
144, Anna Salai, Chennai-2.
5. The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
Arignar Anna Building,
Maharaja Nagar, Tirunelveli.
6. Para Enterprises Pvt. Ltd.,
17, Boopathy, Buildings,
Thiruthangal Road,
Sivakasi.

... Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents 1,3 and 4 their men, agents and any one claiming under them to forthwith provide all approvals including the renewal of the certificate of accreditation for the renewable energy generation station being the petitioner's windmills bearing HTSC.No.4047 and 4101 from the date of transfer in order that the petitioner be entitled to the rights under the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010 administered by the second respondent and consequently, direct the second respondent to issue the renewable energy certificates in the name of the petitioner for the electricity generated from 06.07.2016, being the date of name transfer approval.

For Petitioner : Mr.Rahul Balaji
For Respondents : Mr.Abul Kalam R1, R3 to R5
Standing Counsel (TNEB)

O R D E R

This Writ Petition has been filed seeking direction to the respondents to provide all approvals including the renewal of the certificate of accreditation for the renewable energy generation station of the petitioner.

2. The case of the petitioner is that he had bought two numbers of Wind Energy Generations bearing HTSC.Nos.4047 & 4101 from the 6th respondent on 27.05.2016. Immediately, thereafter, the name transfer was duly accorded by the Chief Engineer and the certificate of Registration and accreditation has also been issued to the second respondent for the Wind Energy Generation. After registering the Wind Mill Energy Generation, the respondent Nos. 1,3 and 4 have failed to forward the necessary paper works to continue the benefits under the Renewable Energy Generation Scheme. For non-issuance of the renewal energy certificate of accreditation for the renewable energy generation station by the respondent Nos. 1,3 and 4, the present writ petition has been filed seeking appropriate relief.

3. The learned counsel for the petitioner submitted that the petitioner is entitled to obtain certificate of accreditation for renewable energy generation and the same is available before the Central Electricity Regulatory Commission (CERC) and on the earlier occasion, the similar issue was dealt with by the CERC.



After elaborate discussion, the CERC issued a direction to the concerned authorities to issue a certificate of accreditation for renewable energy generation. Hence, the learned counsel prays this Court to allow the writ petition.

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4. The learned Standing Counsel for the respondents submitted that it is the disputed question of fact and this issue cannot be solved by this Court under Article 226 of the Constitution of India. Hence, this Court may issue direction to the petitioner to file an appropriate petition before the CERC. Hence, the learned counsel prays to dismiss the petition.

5. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents and perused the materials available on record.

6. Admittedly, the petitioner purchased Wind Energy Generation bearing HTSC. Nos.4047 and 4101 from the 6th respondent. The certificate of accreditation for renewable energy generation issued in favour of the 6th respondent and that was not extended in favour of the petitioner.

7. However, the learned Standing counsel made a submission that the similar claim of the petitioner was earlier solved by the CERC during the earlier occasion and therefore, the issue involved in the present writ petition is disputed question of fact and the same cannot be decided by this Court and it has to be adjudicated only before the competent authority.

8. In view of the above, this Court grants liberty to the petitioner to file an appropriate petition before the Central Electricity Regulatory Commission (CERC) within a period of four weeks from the date of receipt of a copy of this order. On receipt of such petition, the CERC shall pass appropriate orders on merits and in accordance with law within a period of twenty four(24) weeks, thereafter. The time spent before this Court can be excluded for the purpose of adjudication.

9. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

Rli



To

1. The Director Operations,
State Load Despatch Centre,
Tamil Nadu Transmission Corporation Ltd.,
SLDC Block,
144, Anna Salai, Chennai-2.
2. The Nodal Officer,
National Load Despatch Centre,
REC Mechanism,
First Floor, NLDC Office,
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5. The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
Arignar Anna Building,
Maharaja Nagar, Tirunelveli.

+1cc to Mr.R.Parthasarathy, Advocate SR.No.62550

W.P.No.19519 of 2019

CA(CO)
GN(27/12/2021)