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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.20500 of 2021
and
W.M.P.No.21751 of 2021

M/s.Shakthi Murugan Textiles
HTSC No.230, Mathakadi Thottam
SF No.141/2, Pallapalayam P.O.
Irugur (Via) Coimbatre-641 103
rep.by its Manager P.R.Shanmugam

...Petitioner

-Vs-

1. Tamil Nadu Generation and Distribution Corporation Ltd., (TANGEDCO)
rep.by its Chairman and Managing Director,
No.144, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer,
Non-Conventional Energy Sources,
TANGEDCO, 2nd Floor,
Anna Salai, Chennai 600 002.
3. The Superintending Engineer, TANGEDCO
Coimbatore South Electricity Distribution Circle,
Coimbatore South, Coimbatore.
4. The Superintending Engineer, TANGEDCO
Coimbatore Metro Electricity Distribution Circle,
Coimbatore.
5. Tamilnadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmipathy Salai,
Egmore, Chennai-600 008
represented by its Secretary.

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd and 3rd respondents to give the adjustment of the excessively collected banking charge of Rs.11,23,464/- (period from 01.08.2012 to 31.03.2016) based on the working instructions



issued by the 1st respondent dated 03.10.2017 in the matter of implementation of the order of the State Commission (TNERC) issued in RA. No.6 of 2013 dated 31.03.2016.

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For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Mr.M.Abul Kalam,
Standing Counsel

O R D E R

The petitioner is owning windmills and they have also entered into an Energy Wheeling Agreement with the respondent Board and they are entitled for adjustment of the energy so generated from the Windmills for his captive consumption at this Spinning Mills as fixed by the Tamil Nadu Electricity Regulatory Commission.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

3. The learned counsel for the petitioner relied upon by the final order passed by this Court in similar matter in W.P.No. 3987 of 2021, dated 30.03.2021 and agreed to pass orders on the same line. The relevant paragraphs of the said order extracted below;

"4. This Court by an order, dated 5/4/2017, directed the respondents 1 to 3 therein to implement the order of the State Commission (TNERC) in R.A.No.6 of 2013, dated 31/3/2016, within a period of eight weeks, from the date of receipt of a copy of the order, dated 5/4/2017. Thereafter, the second respondent has issued a circular in Memo No.CFC/REV/DFC/REV/AS.3/D.No.384/17 dated 3/10/2017, by referring the orders of this Court and passed an order as follows:

"While revising the CC bills from 1/8/2012 to 31/3/2016 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



6. In view of the statement made by the either counsel appearing for the parties, this Court is inclined to direct the respondent board to adjust the excess amount payable to the petitioner in the future Consumption Charges Bills.

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7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

KST

To

1. Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO)
No.144, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer,
Non-Conventional Energy Sources,
TANGEDCO, 2nd Floor,
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Coimbatore south Electricity Distribution Circle,
Coimbatore South, Coimbatore.
4. The Superintending Engineer, TANGEDCO
Coimbatore Metro Electricity Distribution Circle,
Coimbatore.
5. The Secretary, Tamilnadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmipathy Salai,
Egmore, Chennai-600 008.

W.P.No.20500 of 2021

PCH(CO)
RGA(20/10/2021)