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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No. 23461 of 2021  
and  
W.M.P.No.24711 of 2021

CEAT Limited  
Represented by its plants Head Roy Thomas.

...Petitioner

/Vs/

1.The Chariman,  
Tamil Nadu Generation and Distribution,  
Corporation Limited (TANGEDCO),  
10<sup>th</sup> Floor,144, Anna Salai,  
Chennai - 600 002.

2.The Chief Engineer-NCES,  
TANGEDCO, 2<sup>nd</sup> Floor,  
144, Anna Salai,  
Chennai - 600 002.

...Respondents

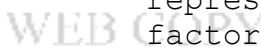
Prayer : Writ petition filed under Article 226 of the Constitution of India praying Writ of Madamus, directing the second respondent to act pursuant to the petitioner's applications dated 19.02.2021 and 20.04.2021 seeking NOC and connectivity with 11KV line located at its factory for its 5MW roof top solar power plants forthwith and effect the same subject to such terms and conditions as the Regulations applicable to such roof top solar power plants.

For Petitioner : Mr.Rahul Balaji

For Respondents : Mr.L.Jaivenkatesh  
Standing Counsel

ORDER

This writ petition has been filed for issuance of direction to the second respondent pursuant to the petitioner's applications dated 19.02.2021 and 20.04.2021 seeking No Objection Certificate and connectivity with 11KV line located at its factory for 5MW roof top solar power plants forthwith and effect the same subject to such terms and



2. The case of the petitioner is that he is a representative of a leading tyre manufacturer, having its factory in Sriperumbudur Taluk, Kanchipuram District, Tamil Nadu. During the year 2012, the State of Tamil Nadu has approved a Solar Power Policy namely "Tamil Nadu Solar Energy Policy 2012" vide GO(Ms.)No.121, dated 19.10.2012, which permits a person to establish rooftop solar power plants within its factory premises for mere parallel operation for captive use without the export of power to the TANGEDCO. Taking advantage of the policy of the Government, the petitioner made an application to TANGEDCO to set up a Rooftop Solar Power plants on the factory premises located at Kannanthangal, Madhuramangalam Post, Kanchipuram District, but the TANGEDCO did not take any action on the petitioner's application. In the meantime, the Tamil Nadu Electricity Regulatory Commission passed an order dated 29.10.2019 in M.P.No.14 of 2018 stating that the Government of India for implementing the grid Connected Rooftop and small solar power plants in order to achieve the cumulative capacity of 40GW RTS plants by 2022. TANGEDCO may permit parallel operation to HT consumers with the Solar Power plants in a premise with capacity less than 1MW or equal to the sanctioned demand or whichever is less, without the need for a separate feeder for the financial year 2021-2022 subject to the technical feasibility, safety norms and other conditions. However, citing the above decision of the Regulatory Commission, the petitioner's application was not considered by the TANGEDCO. Therefore, the petitioner submitted two more applications dated 19.02.2021 and 20.04.2021 seeking No Objection Certificate for connectivity with 11KV line located at its factory for 5MW Rooftop Solar Power Plants and the said applications have not been considered, hence, the present writ petition has been filed.

3. Mr. Rahul Balaji, learned counsel appearing for the petitioner submitted that this Court may issue a direction to the second respondent to pass appropriate orders on the petitioner's applications dated 19.02.2021 and 20.04.2021. If the second respondent has any doubt, he may get clarification from the Tamil Nadu Regulatory Commission to that extent and then decide the execution period as may be prescribed by them.

4. The learned Standing counsel appearing for the second respondent submitted that the Electricity Board filed a petition for clarification before the Regulatory Commission, as soon as they receive the clarification, the applications of the petitioner will be considered and decided accordingly.

5. Considering the above facts and circumstances of the case and taking into account the rival submissions made on either side,<sup>es.courts.gov/hcservices/</sup> they filed clarification petition before the



Regulatory Board, and till date the petitioner's applications have not been considered and the petitioner is awaiting for clarification for more than six months from the Regulatory Board.

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6. This Court directs the second respondent to consider the petitioner's applications dated 19.02.2021 and 20.04.2021 within a period of twelve weeks from the date of receipt of a copy of this order. It is open to the second respondent to get clarification from the Regulatory Commission for deciding on the petitioner's applications. Further, the Electricity Board is directed to decide the long pending issues on one way or the other, the Regulatory Commission would pass appropriate orders regarding the clarification on the petition of the respondent/ TANGEDCO as early as possible. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

gba

To

1.The Chariman,  
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+1cc to Mr.L.Jaivenkatesh, Advocate SR. No.60916

W.P.No. 23461 of 2021  
and

W.M.P.No.24711 of 2021

PVS (CO)  
PR (13/12/2021)