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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.NO.1492 OF 2017

AND

W.M.P.NOS.1397 & 1398 OF 2017

M/s.Spring Feel Wing Energy (P) Ltd.,
No.51/2A, Kelambakkam,
Vandalur Road,
Pudupakkam - 603 103,
Chennai.

Represented by its Managing Director
S.Dilipkumar

...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,
Rep. by its Secretary,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai - 600 008.

4.Chief Engineer/NCES,
(Non Conventional Energy Sources),
144, Anna Salai,
Chennai - 600 002.

5.Superintending Engineer,
Udumalpet Electricity Distribution Circle,
TANGEDCO,
Udumalpet.

...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 final order passed by Appellate Tribunal for Electricity New Delhi vide Appeal No.177 of 2016.

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For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel for R1, R2, R4 & R5

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 until the final order passed by Appellate Tribunal for Electricity New Delhi vide Appeal No.177 of 2016.

2. This Court vide order dated 20.01.2017, passed the following interim order:

"Mr.S.K.Rameshuwar, learned standing counsel takes notice for the respondents 1, 2, 4, & 5. Notice to the third respondent returnable by two weeks.

This matter is connected to the pending W.P.No.648/2017 and this Court by order dated 10.01.2017, directed the writ petitioner therein to pay Rs.300/- per day, irrespective of the capacity of Wind Energy Generators (WEGs), towards Scheduling and System Operating Charges.

Such direction is also granted in this Writ Petition, as it is connected to the above writ petition.

Post this matter along with W.P.No.648/2017."

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. It is made clear that the order which is going to be passed by the Appellate Tribunal in the above appeal will bind the petitioner as well. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

sp/jd

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.The Secretary,
Tamil Nadu Electricity Regulatory Commission,
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,
Udumalpet Electricity Distribution Circle,
TANGEDCO, Udumalpet.
- 6.The Appellate Tribunal for Electricity
New Delhi.

+1cc to M/s.R.S.Pandiyaraj, Advocate SR.No.63655

W.P.No.1492 of 2017
and
W.M.P.Nos.1397 & 1398 of 2017

GPL(CO)
RVM(06/01/2022)