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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2021

C O R A M

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.2890 of 2017

and

W.M.P.Nos.2805 & 2806 of 2017

M/s.Parvathi Dyeing HTSC No.149
S.F.No.223/1, 3 & 4,
Karaipudur Village,
Tiruppur, Rep., by its
Authorized Signatory N.Loganathan

...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.

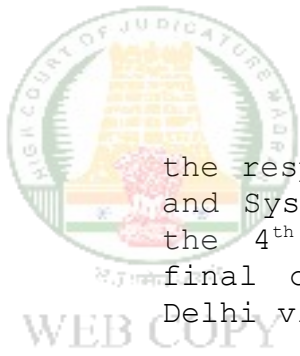
3.Tamil Nadu Electricity Regulatory Commission,
Rep. by its Secretary,
No.19-A, Rukmini Lakshmipathy Salai,
Egmore,
Chennai - 600 008.

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

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

... Respondents

Prayer Writ Petition filed under Section 226 of the Constitution
of India, prayed for the issuance of 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 date 18.08.2016 until the final order passed by Appellate Tribunal for Electricity New Delhi vide Appeal No.177 of 2016.

For Petitioner : S.R.Parthasarathy
For Respondents : No Appearance

ORDER

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 07.02.2017, passed the following interim order:

"Mr.S.K.Rameshuwar, learned standing counsel takes notice on behalf of the respondents 1, 2, 4, & 5. Notice to the third respondent returnable in two week.

2.Both the learned counsel for the petitioner and the learned standing counsel for the respondents 1, 2, 4 & 5 have submitted that the issue raised in the present writ petition is related to the pending Writ Petition No.35657 of 2016, wherein this Court, by order dated 06.10.2016, passed the following order:-

"To strike a fine balance between the rights of the parties, instead of directing the petitioner to pay at the old rate or at the rate, as per the new Tariff order, this Court directs the petitioner to pay @ Rs.300/- per day, irrespective of the capacity of WEGs, towards Scheduling and System Operating Charges, pending disposal of the writ petition".



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3. In view of the above, there shall be a direction in this writ petition 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 writ petition.

4. Post this writ petition along with W.P.No.35657 after two week. In the meanwhile, the respondents shall file the counter affidavit."

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 dispose the writ petition.

5. Accordingly, the Writ Petition is disposed of with a direction that the petitioner shall 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 and the final order passed in the said appeal by the Appellate Tribunal shall bind the petitioner as well. No costs. Connected miscellaneous petitioner are closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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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.19-A, 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,
Tirupur Electricity Distribution Circle,
TANGEDCO, Tirupur.

+1cc to Mr.K.Seshadri, Advocate SR.No.61134

W.P.No.2890 of 2017
and W.M.P.Nos.2805 & 2806 of 2017

GPL (CO)
GN (20/12/2021)