



W.P.No.20914 of 2018

R.SUBRAMANIAN, J.

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The matter is listed under the caption “for being mentioned” today.

2.The dispute relates to applicability of Tariff III-b to the petitioner. While Mr.M.Raja Sekhar would contend that Tariff III-b would apply to the petitioner, it is the case of the TANGEDCO that Tariff V would apply. However, the Writ Petition was allowed based on the concession made by the learned counsel for TANGEDCO. Ms.V.Revathi, learned counsel for TANGEDCO would now submit that the concession made on a mistaken impression of the orders of the TNERC.

3.It is now found that the TNERC have not decided the classification of the activity of the petitioner as yet. Therefore, the matter requires to be heard by the TNERC since it relates to applicability of a particular Tariff.

4.Mr.M.Rajasekhar has also produced the publication in the Tamil Nadu Government Gazette dated 26.01.2022 in case where a clarification is required by the TNERC regarding the Tariff, it is open to this Court to transfer the matter to the TNERC. Since it is found that the orders were passed on the basis of the concession which again is based on an incorrect understanding of the orders of



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the TNERC, the order dated 22.09.2022 is recalled with the consent of the learned counsel for the parties and the Writ Petition will stand transferred to the TNERC leaving the question relating to the applicability of the Tariff open, to be decided by the TNERC.

5.TNERC is required to dispose of the clarification within a period of 12 weeks from the date of receipt of a copy of this order.

6.Considering the fact that the petitioner has deposited 50% of the amount claimed, the TANGEDCO will await the results of the proceedings before the TNERC before taking further action.

17.11.2022

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