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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31-01-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.39720 of 2016

And

WMP Nos.33982 and 33983 of 2016

And

WMP No.7238 of 2017

Tamil Nadu Electricity Consumers' Association,
Registration No.181-8524/1998,
1st Floor, SIEMA Building,
8/4, Race Course,
Coimbatore - 641 018,
Represented by its Vice President
Mr.S.V.Devarajan

... Petitioner

vs.

- 1.Tamil Nadu Generation and Distribution
Corporation Ltd., Rep. by its Chairman
and 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.The Cheif Engineeer/NCES,
TANGEDCO,
144, Anna Salai,
Chennai - 600 002.

... Respondents



Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of 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 date 18.08.2016 until the required clarification is issued by the third respondent in R.P.No.1 of 2016.

For Petitioner : Mr.S.P.Parthasarathy

For Respondents-1,2&4: Mr.L.Jai Venkatesh,
Standing Counsel for TANGEDCO.

For Respondent-3 : No Apparance

O R D E R

The present 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 fourth respondent's Circular Memo dated 18.08.2016.

2. This Court vide order dated 19.10.2016, passed the following interim order:

"Mr.S.K.Rameshuwar, learned standing counsel takes notice on behalf of the respondents.

2.In view of the earlier order passed on 06.10.2016 in W.P.No.35657 of 2016, the operative portion of which reads as follows:

"4.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."

There shall be an order directing the petitioner in each of the cases to pay @ Rs.300/- per day, irrespective of the



capacity of WEGs, towards Scheduling and System Operating Charges, pending disposal of the writ petitions. 3. Post along with W.P.No.35657 of 2016."

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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 the present writ petition pending will not serve any purpose and this Court is inclined to close the same.

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. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

Svn

To

1.The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
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.

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4.The Cheif Engineeer/NCES,
TANGEDCO,
144, Anna Salai,
Chennai - 600 002.

+1cc to Mr.R.S.Pandiyaraj, Advocate Sr.5933

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srg 10/02/2022