



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-01-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.39721 of 2016

And

WMP Nos.33984 and 33985 of 2016

And

WMP No.11227 of 2017

Tamil Nadu Electricity Consumers' Association,  
Registration No.181-8524/1998,  
1<sup>st</sup> 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., Represented by its  
Chairman and Managing Director,  
144, Anna Salai,  
Chennai - 600 002.

2.Tamil Nadu Transmission Corporation Ltd.,  
Represented by its Managing Director,  
144, Anna Salai,  
Chennai - 600 002.

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

4.The Chief Engineer - NCES,  
TANGEDCO,  
2<sup>nd</sup> Floor, 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 from the Members of the petitioner-Association having REC Windmills at the rate of Rs.2,000/Day based on the fourth respondent's Memo dated 18.08.2016.



WEB COPY

For Petitioner : Mr.S.P.Parthasarathy  
For Respondents-1, 2 and 4: Mr.M.Abdul Kalam,  
Standing Counsel for TANGEDCO.  
For Respondent-3 : No Appearance

#### 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 fourth respondent's Circular Memo dated 18.08.2016.

2. This Court vide order dated 29.11.2016, passed the following interim order:

"Mr.S.K.Rameshuwar, learned standing counsel takes notice for the respondents.

2. In view of the earlier order passed this Court 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 to pay @ Rs.300/- per day, irrespective of capacity of WEGS towards Scheduling and System Operating Charges, pending disposal of the writ petition.

Post the matter along with W.P.No.35657 of 2016."

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

Sd/-

Assistant Registrar(CS-VII)

//True copy//

Sub Assistant Registrar

Svn

To

- 1.The Chairman and 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.Tamil Nadu Electricity Regulatory Commission,  
No.19A, Rukmini Lakshmipathy Salai,  
Egmore, Chennai - 600 008.
- 4.The Chief Engineer - NCES,  
TANGEDCO,  
2<sup>nd</sup> Floor, 144 Anna Salai,  
Chennai - 600 002.

+1cc to Mr.R.S.Pandiyaraj, Advocate SR.No.4652

WP 39721 of 2016

PMK(CO)  
GMY(10/02/2022)