



W.P.(MD).No.18712 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.18712 of 2013

and

M.P(MD)Nos. 1 to 3 of 2013

M/s.Servalakshmi Paper Ltd,
Vaduganpatti – (Po)
I.C.Pettai – Tirunelveli – 627 010
Represented by its Director
Mr.Y.Shivaram Prasad

... Petitioner

-VS-

1. Tamil Nadu Generation and
Distribution Corporation Limited,
TANGEDCO,
Represented by its Chairman,
144, Anna Salai,
Chennai – 600 002.
2. The Chief Financial Controller/ Revenue
TANGEDCO,
144, Anna Salai,
Chennai – 600 002.
3. The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.



W.P(MD).No.18712 of 2013

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

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in the issuance of the impugned instruction in Letter No. /CFC/FC/DFC/AAO.HT/AS.3/D.No.126/13, dated 07.09.2013 and all consequential communications in respect of billing start up power under a two part tariff system and quash the same and to consequently direct the respondents herein to forbear from demanding and collecting separate demand charges and energy charges under two part tariff system as tariff for start-up power and to charge only energy charges and to refund the amount of Rs.31,24,275/- that has already been paid by the petitioner.

For Petitioner : Mr.N.Sudalai Muthu

For Respondents : Mr.S.Deenadhayalan
Standing Counsel.

ORDER

The present Writ Petition has been filed challenging the working instructions issued by the second respondent herein, on 07.09.2013. The impugned order is mainly relating to the start-up power charges. The same



W.P(MD).No.18712 of 2013

issue was considered by this Court in a batch of writ petitions in W.P(MS) Nos.26266 of 2013 etc., dated 27.08.2021. The paragraph No.26 of the order is extracted as follows:-

“26. The above discussion leads to the final phase of the order. This Court is inclined to transfer all these Writ Petitions to the file of the Tamil Nadu Electricity Regulatory Commission, Chennai by setting out the following issues which requires clarification from TNERC in line with the tariff order passed by TNERC in TP No.1 of 2013, dated 20.06.2013.

a. Clarify whether, in case of drawl of start-up power by generators, whether the same should be charged at the rate of energy and energy equated demand charges or whether it should be charged on the basis of two-part tariff and how the charges are to be raised and recovered.

b. Whether, if the drawl of start-up power by generators are to be billed on the basis of two part tariff of 300 Rs./KVA/Month and 9.50 Rs./KWh, the demand charges should be pro-rated to actual hours of usage



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W.P(MD).No.18712 of 2013

instead of calculating it for the entire month.

c. Whether, if the drawl of start-up power by generators are to be billed on the basis of two part tariff of 300 Rs./KVA/Month and 9.50 Rs./KWh, the demand charges are to be based on actual percentage of maximum demand or on the demand being fixed by TANGEDCO.

d. How different categories of generators are to be treated while determining the startup charges and;

e. To issue appropriate orders under S. 62(6) of the Act, in case of payments to be made to the generators/consumers since the petitioners have deposited charges in compliance with the conditional orders passed by this Court.”

2. Under the said order, this Court has transferred all the Writ Petitions to the file of the Tamil Nadu Electricity Regulatory Commission, to be considered by them, within a period of three months, after giving opportunity to the writ petitioner and other stakeholders.



W.P(MD).No.18712 of 2013

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3. Hence, the learned counsel for the respondents Board also brought to the notice of this Court that written instructions received from the third respondent herein to the effect that the Writ Petition tagged along with other Writ Petitions already transferred to the file of TNERC, Chennai. Based upon the above said requests and the order passed by this Court in the batch of Writ Petitions, this Writ Petition is also transferred to TNERC to be tagged along with other Writ Petitions, in which, orders were passed on 27.08.2021.

4. In view of the above, this Writ Petition stands transferred to TNERC. No costs. Consequently, connected Miscellaneous Petitions are closed.

22 .09.2022

Index : Yes / No
Internet : Yes / No

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W.P(MD).No.18712 of 2013

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W.P.(MD).No.18712 of 2013

R.VIJAYAKUMAR,J.

ebsi

W.P.(MD)No.18712 of 2013



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W.P(MD).No.18712 of 2013

22.09.2022