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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.18718, 18720 and 18738 of 2023
and WMP.Nos.17962,17963,17965, 17964,17967,17969,
17986,17987 and 17989 of 2023

TAMILNADU GENENRATION AND DISTRIBUTION CORPORATION
LIMITED. REP. BY CHIEF FINANCIAL CONTROLLER/ REGULATORY
CELL
7TH FLOOR, WESTERN WING, NPKRR MAALIGAI,
NO.144, ANNA SALAI, Chennai-2.

... petitioner in all the petitions

-Vs-

1. THE MINISTRY OF POWER
REP. BY ITS SECRETARY,
UNION OF INDIA,
SHRAM SHAKTI BHAWAN,
RAFI MARG, NEW DELHI 110 001.

2. CENTRAL ELECTRICITY REGULATORY COMMISSION,
REP. BY ITS SECRETARY,
4TH FLOOR,
CHANDERLOK BUILDING,
NEW DELHI 110 001.

3. THE CENTRAL TRANSMISSION UTILITY OF INDIA,
REP. BY ITS CHIEF OPERATING OFFICER,
SAUDAMANI, PLOT NO.2, SECTOR 29,
GURGAON 122 001.



4. POWER GRID CORPORATION OF INDIA LIMITED,
REP. BY ITS CHIEF GENERAL MANAGER,
SAUDAMANI, PLOT NO.2, SECTOR 29
GURGAON 122 001.

5. THE SOUTHERN REGIONAL LOAD DISPATCH CENTRE,
REP. BY ITS EXECUTIVE DIRECTOR,
NO.29, RACE COURSE CROSS ROAD,
BANGALORE 560 009.

... Respondents in all the petitions

Prayer in W.P.No.18718 of 2023: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorarified Mandamus calling for the records pertaining to impugned tariff order dated 27.01.2023 in petition 172/TT /2021 of the 2nd respondent quash the same and consequently restrain the respondents from billing the petitioner department by considering the subject matter asset as a regional component instead of national component.

Prayer in W.P.No.18720 of 2023: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorarified Mandamus calling for the records pertaining to impugned tariff order dated 22.02.2023 in petition 173/TT /2021 of the 2nd respondent quash the same and consequently restrain the respondents from billing the petitioner department by considering the subject matter asset as a regional component instead of national component.

Prayer in W.P.No.18738 of 2023: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorarified Mandamus calling for the records pertaining to impugned tariff order dated 16.02.2023 in petition 242/TT /2021 of the 2nd respondent quash the same and consequently restrain the



respondents from billing the petitioner department by considering the subject matter asset as a regional component instead of national component.

For petitioner : Mr. P.Wilson, SC
For M/s.D.R.Arun Kumar
For Respondent : Mr.V.Chandrasekaran, SPC R1
Mr.ARL.Sundaresan, ASG
Assisted by Mr.V.Kalyanaraman
For M/s.Aiyar & Dolia R4
(in all the petitions)

COMMON ORDER

Since the facts of the case are one and the same, hence, all the writ petitions are disposed of by way of common order.

2. This petition has been filed seeking to quash the order dated 27.01.2023, 16.02.2023 and 22.02.2023 passed by the 2nd respondent and consequently restrain the respondents from billing the petitioner department by considering the subject matter asset as a regional component instead of national component.

3. It is the case of the petitioner that TANGEDCO is utilising the transmission lines built by the 4th respondent, viz., Power Grid Corporation



between Raighar – Pugalur – Trissur. It is the further submission of the learned senior counsel that the transmission system has been commissioned in a phased manner and the 4th respondent filed four different tariff petitions for the purpose of claiming tariff. Pursuant to the same, the 2nd respondent passed the order for sharing the transmission charged on All India Basis and challenging the said orders passed by the 2nd respondent, TANGEDCO preferred appeal before APTEL, in which orders have been reserved and pending passing of orders, which would also be equally applicable to the petitioner, the respondents hurriedly displayed the amount in the portal of the 1st respondent without waiting for the orders of APTEL in the appeal filed by TANGEDCO. Aggrieved by the same, the present writ petition has been filed.

4. Learned senior counsel appearing for the petitioner submitted that in view of the aforesaid position, since appeal filed by TANGEDCO is pending, this Court may grant liberty to the petitioner as well to prefer appeal before APTEL on or before 7.7.2023 and till such time, all the official respondents, including the 4th respondent may be directed to defer the implementation of the order passed by the 2nd respondent.



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5. The official of the 4th respondent appeared before this Court and upon instructions, learned Addl. Solicitor General fairly submitted that the implementation of the decision will be deferred till 7.7.2023 so as to enable the petitioner to prefer appeal before APTEL and this Court may grant liberty to the respondents to proceed in accordance with law subject to the passing of orders by APTEL.

6. In view of the fair stand taken by the learned counsel on either side and also considering the stand expressed by the 4th respondent, this Court, without interfering with the order passed by the 2nd respondent, permits the petitioner to file appropriate appeal before APTEL on or before 7.7.2023 and subject to the action taken by the petitioner and orders, if any passed by APTEL on the appeal filed by TANGEDCO and also the petitioner, the respondents are at liberty to proceed in the matter in accordance with law. Till such time, the order passed by the 2nd respondent shall be kept in abeyance.

7. These writ petitions are disposed of with the aforesaid observations and directions. Consequently, connected miscellaneous petitions are closed.



There shall be no order as to costs.

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To

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M.DHANDAPANI, J.

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W.P.Nos.18718, 18720 and 18738 of 2023

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