



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7936 of 2020

and

W.M.P.No.9377 of 2020

Naagai Power Private Limited,
Represented by its Assistant General Manager,
Unit 1/691, Okkur Main Road, Okkur-Kilvelur Taluk,
Nagapattinam District – 611 002.

... Petitioner

Vs.

- 1.Tamil Nadu Generation and Distribution Corporation Limited,
Rep. by its Chairman,
NPKRR Maaligai,
144, Anna Salai,
Chennai – 600 002.
- 2.The Chief Finance Controller / Revenue
TANGEDCO (Accounts Branch),
144, Anna Salai,
Chennai – 600 002.
- 3.The Director (Finance) TANGEDCO,
144, Anna Salai,
Chennai – 600 002.
- 4.The Superintending Engineer,
TANGEDCO,
Nagapattinam Electricity Distribution Circle,
Nagapattinam.



5.The Accounts Officer / Revenue
TANGEDCO (Accounts Branch)
Chennai – 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records contained in the Current Consumption Bills for the period October, 2019 to March, 2020 issued by the 4th respondent and quash them being against the provisions of the order passed in T.P.No.1 of 2017 and Tamil Nadu open Access Regulations 2014 and direct the respondents to collect start up power charges strictly in accordance with the regulation and the traffic order issued by the Commission and direct the respondents to charge start-up power charges only by taking into account the days when such start up power is actually allowed and consequently direct the respondents to refund any sums that are collected contrary to the regulation and the tariff orders passed by this Commission.

For Petitioners : Mr.Rahul Balaji

For Respondents : No Appearance

ORDER

The learned counsel for the petitioner submitted that the copy of the order passed by the Tamil Nadu Electricity Regulatory Commission dated 29.12.2023 in DRP.No.5 of 2014. The issues raised in the present writ



petition are covered under the said order of the Regulatory Commission and the relevant portion of the order is extracted hereunder:

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“7.25. In the upshot of the above referred findings and conclusions arrived at, this commission passes the following orders:

1. The commission decides to adopt 50 percent of the demand charges fixed in the respective tariff for all pure generators who had drawn power for start-up, covering the period stated in the writ petitions and upto the date of this order.

2. The Generators who do not need start-up power shall not be billed under start-up category.

3. The Industries who avail regular industrial supply for their use and also have Co-generating/Generating plants within their premises, they normally use the existing Contracted/Sanctioned demand itself for purpose of start-up power. They have to be classified under regular Industrial Tariff. If the above categories of consumers are having any Power purchase agreements in place, then the tariff mentioned and agreed in the PPA shall be followed till expiry of PPA. After expiry of the PPA period the prevailing



tariff orders have to be followed. These Industries have to pay full demand charges for the entire period.

4. The Generators, who wants supply only for start-up purpose being temporary in nature need to be charged under temporary supply category only. Such generators' requirement being temporary in nature, the Demand equated energy charges are fixed at the rate of 125 percent of temporary supply energy charges as specified in tariff order prevailing from time to time. This rate will be applicable prospectively from the date of this order."

2. In view of the above directions issued by the Regulatory Commission, this Writ Petition stands disposed of. Further actions in respect of the issues raised in the present writ petition is to be taken based on the directions issued by the Regulatory Commission. No costs. Consequently, connected Miscellaneous Petition is closed.

10.01.2024

Jeni
Index : Yes
Neutral Citation : Yes
Speaking order / Non-speaking order



To

1. The Chairman,
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Chennai – 600 002.
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S.M.SUBRAMANIAM, J.

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