



W.P.No.13967 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 21.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.13967 of 2025

and

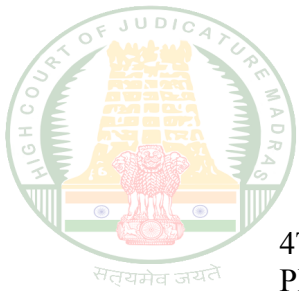
W.M.P.Nos.15722, 15725 & 15729 of 2025

RENEWABLE ENERGY PRODUCERS ASSOCIATION,
(REGN.NO.131/2024)
#2, KARUR ROAD, MODERN NAGAR,
DINDIGUL- 624 001.
REPRESENTED BY ITS
DIRECTOR - LEGAL V.BHARATHIKANNAN

... Petitioner

Vs

1. STATE LOAD DESPATCH CENTRE (SLDC),
144, ANNA SALAI,
CHENNAI-600 002.
REPRESENTED BY ITS DIRECTOR-OPERATION.
2. THE CHIEF FINANCIAL CONTROLLER-REVENUE,
TNPDC, 7TH FLOOR,
144, ANNA SALAI,
CHENNAI-600 002.
3. THE CHIEF ENGINEER-INFORMATION TECHNOLOGY,
TNPDC, 144, ANNA SALAI,
CHENNAI-600 002
4. TAMILNADU ELECTRICITY REGULATORY COMMISSION,
6TH FLOOR, SIDCO CORPORATE OFFICE BUILDING,
THIRU.VI.KA.INDUSTRIAL ESTATE,
GUINDY, CHENNAI-600 032, THROUGH ITS SECRETARY.
5. THE LEAP GREEN ENERGY PVT LTD,



W.P.No.13967 of 2025

WEB COPY

4TH FLOOR, CALEDON SQUARE,
PEELAMEDU, HUDCO COLONY,
COIMBATORE-641 004.

6. RECONNECT ENERGY SOLUTIONS LIMITED,
7TH FLOOR, V.K.KALYANI COMPLEX,
NO.22, SANKEY ROAD,
MILITARY COMPOUND, JAYAMAHAL,
BENGALURU-560 051.
7. THE SOUTHERN REGIONAL LOAD DESPATCH CENTRE,
29, RACE COURSE CROSS ROAD,
BANGALORE – 560 009.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the first to third respondents not to collect any more DSM charges for the year 2025-26 and to strictly adhere to the provisions and obligations, as cast upon with them, in supplying with the 15 minutes Time Block Wise dynamic data, on a Real Time basis, to all the members of the petitioner Association and the QCAs appointed for this purpose, by specifying a time limit, in terms of the DSM Regulations 2024 and the procedures notified there under.

For Petitioner	: Mr.S.P.Parthasarathy
For R1 to R4	: Mr.P.Wilson, Senior Counsel assisted by Mr.D.R.Arunkumar

ORDER

The prayer in the writ petition is to direct respondents 1 to 3 not to collect any further DSM charges for the year 2025–26 and to strictly adhere to the provisions and obligations cast upon them in supplying 15-minute time block wise dynamic data, on a real time basis, to all members of the petitioner



W.P.No.13967 of 2025

association and the QCAs appointed for this purpose, by specifying a time limit, in terms of the DSM Regulations, 2024.

2. Heard *Mr.S.P.Parthasarathy*, learned counsel appearing for the petitioner and *Mr.P.Wilson*, learned Senior counsel appearing on behalf of the respondents 1 to 4.

3. The learned counsel appearing for the petitioner, taking this Court through the regulations published in the Tamil Nadu Government Gazette No. 7, Part VI, Section 2, namely the Tamil Nadu Electricity Regulatory Commission (Forecasting, Scheduling and Deviation Settlement and Related Matters for Wind and Solar Generation) Regulations, 2024, submitted that the members of the petitioner's association are required to pay deviation settlement charges under Regulation No. 7. While imposing this liability, the regulation also contains provisions regarding metering under Regulation No. 10. The Tamil Nadu State Load Despatch Centre (TNSLDC) is supposed to develop a website and provide real-time data for every 15 minute time block. The said data has to be furnished monthly to the generators, QCAs, and other stakeholders. These safeguards are included in the regulations because, upon reviewing the said data, the parties can recalibrate or resubmit their forecasts



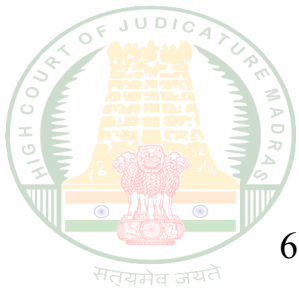
W.P.No.13967 of 2025

to minimize deviation charges.

WEB COPY

4. The learned counsel appearing for the petitioner further submitted that, based on various communications and meetings held in this regard, it can be seen that the respondents are still in the process of developing such a facility. However, even before the facility is developed, the charges alone is now sought to be appropriated and further charges are sought to be imposed on the members of the petitioner association. Therefore, at least from now onwards, until the data is being provided, the respondent authorities should neither appropriate the amounts that is already collected from the petitioner nor impose further deviation charges.

5. The learned counsel appearing for the petitioner also submitted that M.P. No.21 of 2025 has been filed by the respondents themselves before the Tamil Nadu Electricity Regulatory Commission, seeking an extension of nine months to implement the regulations. Even while seeking time for implementation, the respondent authorities are not following the same when it comes to collecting or appropriating charges. Hence, the petitioner is before this Court.



W.P.No.13967 of 2025

6. Per contra, the learned senior counsel appearing on behalf of the respondents 1 to 4, taking this Court through the procedure for implementation framed under the regulations, drew attention to Clause 18.2 of the procedural sub-regulations that is framed and the same is extracted hereunder:

“18.2 In the event of any inconsistency between these procedures and the Regulations, the provisions of the Regulations shall prevail and any dispute arising out of the implementations of these procedures shall be referred to the Commission either by the TNSLDC or by the QCA or the individual generators and the decision of the Commission thereon shall be final.”

7. It is clear that if any dispute arises from the implementation of the procedure, the same shall be referred only to the Tamil Nadu Electricity Regulatory Commission and the writ petitioner cannot directly approach this Court. Further, he objected to the association filing the writ petition instead of individual members. He contended that the mandamus which is sought itself would be in the nature of an order that will go contrary to the regulations and such a mandamus cannot be issued.

8. I have considered the rival submissions made on either side and perused the material records of the case.



W.P.No.13967 of 2025

WEB COPY 9. Sub-regulation 18.2, which prescribes the procedure for the implementation of forecasting, scheduling, and deviation settlement for wind and solar generation, was extracted above. The second limb of the said regulation clearly states that any dispute arising out of the implementation of these procedures shall be referred to the Commission. In the instant case, upon hearing the learned counsel for the petitioner, it can be seen that the dispute arises out of the implementation.

10. The contention on behalf of the learned counsel appearing for the petitioner is that all limbs of the regulation should have been implemented simultaneously. Without furnishing the required data, demanding and appropriating deviation charges alone would deprive the petitioner of their right to readjust forecasts and minimize deviation charges. Even though the opportunity exists, the grievance is that the said opportunity is divested on account of the improper implementation.

11. Therefore, according to me when there is an effective alternative remedy that is provided to the Regulatory Commission which consists of the technical members who will be in a better position to appreciate the



W.P.No.13967 of 2025

contention that is made by the petitioner the writ petition need not be entertained. As far as the second limb of argument relating to the filing of the petition by the association is concerned, once the petitioner is relegated to the Commission, the question of whether it should be filed in the name of the association or individual members will be governed by the rules of the Tamil Nadu Electricity Regulatory Commission. The learned counsel appearing for the petitioner prays for an interim order in the meanwhile. Even if any urgent interim order is needed, the same shall also be prayed before the Tamil Nadu Electricity Regulatory Commission and the Commission will consider the same in accordance with law.

12. In view thereof, this writ petition is disposed of the following terms:-

(i) Keeping open the liberty of the petitioner's association or its members to file appropriate applications before the Tamil Nadu Electricity Regulatory Commission. The petitioner or its members can also move such interim application which will also be considered by the Tamil Nadu Electricity Regulatory Commission.



W.P.No.13967 of 2025

WEB COPY(ii) In view of the urgency prayed, the party shall act on the production of the web copy of the order waiting for the copy certified copy of the order and the Tamil Nadu Electricity Regulation Commission shall also consider the matter as expeditiously as possible.

(iii) Consequently, connected miscellaneous petitions are closed. No costs.

21.04.2025

Neutral Citation: Yes/No
nsl

To

1. THE DIRECTOR-OPERATION.
STATE LOAD DESPATCH CENTRE (SLDC),
144, ANNA SALAI,
CHENNAI-600 002.
2. THE CHIEF FINANCIAL CONTROLLER-REVENUE,
TNPDC, 7TH FLOOR,
144, ANNA SALAI,
CHENNAI-600 002.
3. THE CHIEF ENGINEER-INFORMATION TECHNOLOGY,
TNPDC, 144, ANNA SALAI,
CHENNAI-600 002
4. TAMILNADU ELECTRICITY REGULATORY COMMISSION,
6TH FLOOR, SIDCO CORPORATE OFFICE BUILDING,
THIRU.VI.KA.INDUSTRIAL ESTATE,
GUINDY, CHENNAI-600 032, THROUGH ITS SECRETARY.



WEB COPY



W.P.No.13967 of 2025

D.BHARATHA CHAKRAVARTHY, J.

ns1

W.P.No.13967 of 2025

21.04.2025