



W.P.No.14200 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.14200 of 2025
and W.M.P.Nos.15955, 15957 & 15962 of 2025

Tulsyan NEC Limited
No. 24, Nungambakkam High Road,
Chennai 600 034.

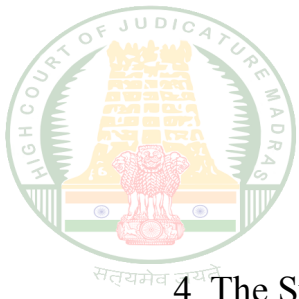
.. **Petitioner**

Vs.

1. Tamil Nadu Power Distribution
Corporation Limited (Tnpdcl)
Rep. By Its Chairman,
NPKRR Maaligai,
144, Anna Salai
Chennai 600 002.

2. Chief Financial Controller/Revenue (FAC)
7th Floor Eastern Wing, TNPDC, L,
NPKRR Maligai,
Chennai 600 002

3. Director (Finance)
TNPDC, L,
NPKRR Maaligai,
144, Anna Salai,
Chennai 600 002



W.P.No.14200 of 2025

4. The Superintending Engineer
Chennai EDC / North
TNPDC, Anna Salai
Chennai 600 002.

5. Tamil Nadu Electricity Regulatory Commission,
TNERC,
4th Floor, SIDCO Corporate Office Building,
Thiru Vi Ka Industrial Estate,
Guindy, Chennai, 600032.

.. **Respondents**

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for records and quash the impugned instructions issued by the 2nd respondent, vide letter dated 12.12.2024, bearing reference Lr.No.CFC/REV/FC/AO/AS-3/REV/D.No.557-2/24, directing all Superintending Engineers of TNPDC to bill all generators availing start-up power under high tension tariff -I (two-part tariff system), as specified in the suo motu tariff Order No. 6 dated 15.07.2024 (effective from 01.07.2024) and the consequential demand notices issued by the 4th respondent dated 31.12.2024 bearing reference Lr.No.SE/CEDC/N/DFC/AAO/HT/A.3/F.1981/D.742/24, and the impugned demand dated 15.03.2025 bearing reference Lr.No.SE/CEDC/N/DFC/AAO/HT/A.3/F.1981/D.826/25, and the HT bill for the month of March 2025 dated 03.04.2025 issued by the 4th respondent, insofar as it seeks to unilaterally fix the two-part tariff for startup power in the absence of any prevailing valid and enforceable tariff order issued by the 5th respondent TNERC for start-up power, for the period from July 2024, as being arbitrary,



W.P.No.14200 of 2025

illegal, without authority, and contrary to the Electricity Act, 2003, and the regulations framed thereunder and to consequently forbear respondent TNPDCCL from pursuing any recovery action contrary to the orders issued by the TNERC, and pending determination of tariff for start-up power by the 5th respondent TNERC in R.A. 5 of 2024, in compliance with the directives of the Hon'ble APTEL in its order dated 08.10.2024 in A.no.396 of 2024 and directives of this Hon'ble Court in order dated 18.03.2025 in W.P. No. 469 of 2025 and batch, and pass such further or other orders.

For the Petitioner : Mr.Rahul Balaji

For the Respondents : Mr.D.R.Arun Kumar

ORDER

This Writ Petition is filed with a prayer to to call for records and quash the impugned instructions issued by the 2nd respondent, vide letter dated 12.12.2024, bearing reference Lr.No.CFC/REV/FC/AO/AS-3/REV/D.No.557-2/24, directing all Superintending Engineers of TNPDCCL to bill all generators availing start-up power under high tension tariff -I (two-part tariff system), as specified in the suo motu tariff Order No. 6 dated 15.07.2024 (effective from 01.07.2024) and the consequential demand notices issued by the 4th respondent dated 31.12.2024



W.P.No.14200 of 2025

WEB COPY

bearing reference Lr.No.SE/CEDC/N/DFC/AAO/HT/A.3/F.1981/D.742/24, and the impugned demand dated 15.03.2025 bearing reference Lr.No.SE/CEDC/N/DFC/AAO/HT/A.3/F.1981/D.826/25, and the HT bill for the month of March 2025 dated 03.04.2025 issued by the 4th respondent, insofar as it seeks to unilaterally fix the two-part tariff for startup power in the absence of any prevailing valid and enforceable tariff order issued by the 5th respondent TNERC for start-up power, for the period from July 2024, as being arbitrary, illegal, without authority, and contrary to the Electricity Act, 2003, and the regulations framed thereunder and to consequently forbear respondent TNPDCCL from pursuing any recovery action contrary to the orders issued by the TNERC, and pending determination of tariff for start-up power by the 5th respondent TNERC in R.A. 5 of 2024, in compliance with the directives of the Hon'ble APTEL in its order dated 08.10.2024 in A.no.396 of 2024 and directives of this Hon'ble Court in order dated 18.03.2025 in W.P. No. 469 of 2025 and batch.

2. It can be seen that the issue relates to the start up power that is supplied by the respondents and the tariff in respect thereof.



WEB COPY

3. When the matter came up for hearing, both sides learned counsel are at *ad idem* that the matter is covered in respect of the period from the year 2024 by the order of this Court in W.P.No.469 of 2025 etc., dated 18.03.2025. The operative portion of the said order is extracted hereunder for ready reference:-

“8. In light of this, these Writ Petitions are disposed of on the following terms:

(i) Pending the Writ Petitions, an order was issued on 27.02.2025 by the TNERC in I.A.No.1 of 2024 in M.P.No.51 of 2024, and the parties shall seek further legal recourse against the said order;

(ii) The TNERC is requested to take up R.A. No. 5 of 2024 for disposal on its own merits and in accordance with the law, passing orders in the matter after duly hearing all parties as expeditiously as possible, and in any case, not later than four weeks from the date of receipt of the website-uploaded copy of the order, without waiting for the certified copy of this order;

(iii) It is made clear that wherever the petitioners have paid the startup charges at the rate of two-part tariff, HT – 4, these shall remain paid. In respect of other petitioners and for the period until the disposal of R.A. No. 5 of 2024, if the petitioners pay the startup charges at the rate fixed by the order dated 29.12.2023, i.e., as temporary supply category HT – V at 125% of the temporary supply energy charges, then no further coercive action shall be taken against the petitioners. Further action will depend on the Orders issued by the TNERC.

(iv) No costs. Consequently, the connected miscellaneous petitions are closed.”

4. In respect of the said period, prior to the year 2024, the same is covered by the order of this Court in W.P.No.931 of 2025 dated 20.01.2025. The operative portion is extracted hereunder for ready reference:-

“7. Already, this court, vide order dated 08.01.2025 in



WEB COPY



W.P.No.14200 of 2025

W.P.No.468/2024, has directed the fifth respondent to dispose of the said petition filed by the petitioner therein, on or before 07.02.2024. Therefore, this writ petition is disposed of with an observation that the benefit of the order to be passed the fifth respondent in I.A.No.1/2024 in M.P.No.51 of 2024 will enure to the petitioner in this writ petition.”

5. Pursuant to the said order, the Tamil Nadu Electricity Regulatory Commission (TNERC) also passed an order on 27.02.2025 in I.A. No. 1 of 2024. Thus, it can be seen that, pending further decisions by the TNERC, the petitioner is required to pay the amount for the past period, which will be subject to the outcome of the final orders. The Interlocutory Application was dismissed with this observation.

6. In view thereof, this Writ Petition also disposed of in terms of the above said two orders of this Court mentioned above. No costs. Consequently, the associated miscellaneous petitions are closed.

22.04.2025

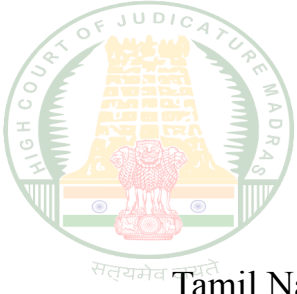
Neutral Citation : Yes/No

Jer

To

1.The Chairman,

Page 6 of 8



W.P.No.14200 of 2025

Tamil Nadu Power Distribution
Corporation Limited (TNPDC)
NPKRR Maaligai,
144, Anna Salai
Chennai 600 002.

2. The Chief Financial Controller/Revenue (FAC)
7th Floor Eastern Wing, TNPDC
NPKRR Maligai,
Chennai 600 002

3. The Director (Finance)
Tnpdc,
NPKRR Maaligai,
144, Anna Salai,
Chennai 600 002

4. The Superintending Engineer
Chennai EDC / North
TNPDC, Anna Salai
Chennai 600 002.

5. Tamil Nadu Electricity Regulatory Commission,
TNERC,
4th Floor, SIDCO Corporate Office Building,
Thiru Vi Ka Industrial Estate,
Guindy, Chennai, 600032.

D.BHARATHA CHAKRAVARTHY, J.



WEB COPY



W.P.No.14200 of 2025

Jer

W.P.No.14200 of 2025

22.04.2025

Page 8 of 8