



W.P.No.28079 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.28079 of 2023
and W.M.P.Nos.27597 and 27598 of 2023**

M/s.Perumal Spinning Mills Private Limited,
HTSC.No.049094240159,
Cuddalore Main Road,
Seshanchavadi,
Salem-636 111,
Represented by its Authorized Signatory,
R.Sudhanandan

... Petitioner

Vs.

- 1.The Chairman,
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai,
Chennai-600 002.
- 2.The Chief Engineer-NCES,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO),
2nd Floor, 144, Anna Salai,
Chennai-600 002.



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3. The Chief Financial Controller/Revenue,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO),
2nd Floor, 144, Anna Salai,
Chennai-600 002.

4. The Superintending Engineer,
TANGEDCO,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

5. Tamil Nadu Electricity Regulatory Commission,
6th Floor,
SIDCO Corporate Office Building,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai-600 026.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the fourth respondent's impugned demand notice SE/TEDC/TIN/DFC/AO/WIND/AS/F.OA Software/D.No.1537/22 dated 10.01.2023 and the consequential 4th respondent's impugned generation statement dated 03.09.2023 insofar as Serial No.C008 'Other Charges' alone is concern and quash the same as arbitrary, illegal and contrary to the Wind Tariff Orders issued by the fifth respondent TNERC.



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For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.D.R.Arun Kumar

ORDER

This Writ Petition has been filed challenging the impugned demand notice issued by the fourth respondent in SE/TEDC/TIN/DFC/AO/WIND/AS/F.OA Software/D.No.1537/22 dated 10.01.2023 and the consequential impugned generation statement dated 03.09.2023 issued by the fourth respondent, insofar as Serial No.C008 'Other Charges' alone is concerned.

2. The petitioner owns Wind Energy Generators and is running a Spinning Mill and had entered into a Energy Wheeling Agreement [in short “EWA”] with the fourth respondent. According to the agreement, if wind energy is not utilized fully during a month, the balance of it will be transferred to a banking account on payment of banking charges by units. Accordingly, such banked energy is allowed to be redrawn from the banking account for adjustment against the consumption of the petitioner's captive



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consumption. Further, the unutilized banked wind energy at the end of the financial year is entitled for encashment at the rate of 75% of the relevant feed-in tariff rate as sale to the respondents. It is also stated that system of adjustment of open access power happened on month to month basis only (i.e.,) monthly generation is adjusted against the monthly consumption of the captive user. The petitioner also states that they also paid CC bill amount without any default.

3. While so, the fourth respondent issued a impugned show cause notice dated 24.06.2023, wherein, the fourth respondent has alleged that excess adjustment of wind energy against HTSC.No.049094240159 for the period of March 2021 has been made and demanded alleged short levy of Rs.3,55,042/-. The petitioner submitted their objections to the said show cause notice, pursuant to which, the fourth respondent issued impugned generation statement dated 03.09.2023, wherein, the alleged shortfall amount has been included in Serial No.C008 'Other Charges'. The petitioner is aggrieved of the said inclusion of the shortfall amount into the heading



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“other charges” and therefore, challenges the impugned demand notice dated 10.01.2023 as well as the generation statement dated 03.09.2023.

4. The learned counsel appearing for the petitioner submits that against the impugned proceedings, there is an effective appeal remedy available under the Tamil Nadu Electricity Regulatory Commissions Act before the Competent Authority and hence, this Court may grant liberty to the petitioner to file an appeal in terms of Tamil Nadu Electricity Regulatory Commissions Act.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

6. In view of the limited request made by the learned counsel appearing for the petitioner, this Court, without interfering with the impugned proceedings, permits the petitioner to file an appeal under Tamil Nadu Electricity Regulatory Commissions Act before the Competent



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Authority within a period of two weeks from the date of receipt of a copy of this order and the Competent Authority is directed to dispose of the appeal preferred by the petitioner within a period of 12 weeks thereafter.

7. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

03.11.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb



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M.DHANDAPANI, J.

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