



WEB COPY

WP No. 32825 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 32825 of 2025

and

WMP Nos.

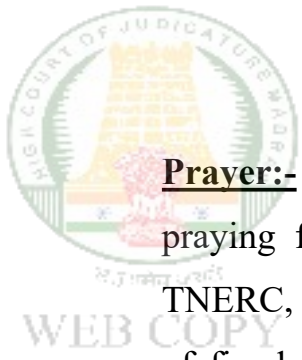
Renewable Energy Producers Association,
Reg No. Srg/dindugul/131/2024, No. 2, Karur
Road, Modern Nagar, Dindigul-624
001, Represented By Its Chief Advisor Cum Ceo,
Dr.K.Venkatachalam.

..Petitioner(s)

Vs

1. Tamil Nadu Electricity Regulatory
Commission,
4th Floor, Sidco Corporate Office Building,
Thiru.Vi.Ka Industrial Estate, Guindy, Chennai
-600 032, Represented By Its Secretary.
2. The Chief Financial Controller-regulatory Cell,
(tnpdcl), 7th Floor, 144, Anna Salai, Chennai
-600 002.

..Respondent(s)



Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 1st Respondent TNERC, to make, a prudent check and scrutiny of the statements of calculation of fixed cost as submitted by the 2nd respondent, CFC-Regulatory Cell and thereafter web host the Petitioner covered by M.P. No. 53 of 2025, in the website of the commission itself, calling for the comments and suggestions of the Stakeholders and thereafter by providing suitable opportunity of hearing to the Stakeholders, the Commission may be directed to proceed further to deal with the matter of determination of Additional Surcharge, for the period from 01.10.2025 to 31.03.2026 if required, at the applicable rate, in compliance of the Regulatory provisions as contained in clause 24(3) of the Grid Connectivity and Intra State Open Access Regulations 2014 and also, as per the regulatory provisions contained in various clauses under the Conduct of Business Regulations 2004.

For Petitioner(s): Mr.R.S.Pandiyaraj

For Respondent(s): M/s.D.R.Arun Kumar For R2;
M/s.Richardson Wilson For R1.

ORDER

This Writ Petition has been filed for the following reliefs:-

“directing the 1st Respondent TNERC, to make, a prudent check and scrutiny of the statements of calculation of fixed cost as submitted by the 2nd respondent, CFC-Regulatory Cell and thereafter web host the Petitioner



covered by M.P. No. 53 of 2025, in the website of the commission itself, calling for the comments and suggestions of the Stakeholders and thereafter by providing suitable opportunity of hearing to the Stakeholders, the Commission may be directed to proceed further to deal with the matter of determination of Additional Surcharge, for the period from 01.10.2025 to 31.03.2026 if required, at the applicable rate, in compliance of the Regulatory provisions as contained in clause 24(3) of the Grid Connectivity and Intra State Open Access Regulations 2014 and also, as per the regulatory provisions contained in various clauses under the Conduct of Business Regulations 2004.”

2. Brief Facts:-

3. The Petitioner is the Renewable Energy Producers Association (REPA), a society registered under the Tamil Nadu Societies Registration Act, 1975 (Reg. No. 131 of 2024), representing more than 859 members with an aggregate renewable energy capacity of 5423.74 MW. The members are primarily captive users of electricity generated through Wind Energy Generators (WEGs) and Solar Power Generators (SPGs) under the Open Access framework as provided under the Electricity Act, 2003. Some members are also engaged in group captive arrangements and third-party sale of power, and procure additional power from exchanges and other lawful sources when required.



4. On 06.08.2025, the 2nd Respondent filed M.P. No. 53 of 2025 before the 1st Respondent Commission seeking determination of Additional Surcharge under Section 42(4) of the Electricity Act, 2003 for the period from 01.10.2025 to 31.03.2026. The said petition was listed for hearing on 14.08.2025, with the cause list issued only on 13.08.2025, thereby allowing no reasonable time for scrutiny of the data or participation by stakeholders.

5. As per Clause 24(3) of the TNERC Grid Connectivity and Intra-State Open Access Regulations, 2014, the Distribution Licensee is required to submit detailed statements of fixed costs on a half-yearly basis, which must be prudently examined by the Commission after inviting objections from stakeholders. However, the Distribution Licensee has failed to submit mandatory Cost Audit Reports for the financial years 2023–24, 2024–25, and 2025–26, as required under the Companies Act, 2013, and has instead relied on Chartered Accountant certificates, which do not satisfy statutory requirements.

6. The Petitioner would submit that the Commission has been accepting such incomplete and un-audited data without conducting any prudent check or verification, and has proceeded with the determination process in a mechanical and arbitrary manner. At present, the Additional Surcharge payable by consumers procuring power through open access is Rs. 0.10 per unit (valid up to



30.09.2025). The respondents are now proposing to increase the same to Rs.1.14 per unit, amounting to an unjustified twelvefold increase without any rational basis or supporting material.

7. The petitioner would further submit that no adequate material has been furnished to stakeholders to demonstrate the basis of such determination, and the extremely short time between filing and admission of the petition has effectively denied any meaningful opportunity for scrutiny. That apart, the petition was not hosted on the official website of the Commission, as mandated under the applicable regulations, thereby further restricting stakeholder participation.

8. The petitioner apprehends that the Respondents are proceeding to finalize the determination of Additional Surcharge without inviting objections or granting an opportunity of hearing to stakeholders, in violation of statutory provisions and principles of natural justice. Aggrieved by the arbitrary, illegal, and non-transparent actions of the Respondents, the Petitioner has filed the present Writ Petition seeking appropriate directions to ensure proper scrutiny of cost data, compliance with statutory requirements, stakeholder consultation, and lawful determination of Additional Surcharge in accordance with the Electricity Act, 2003 and the applicable regulations.



9. Heard the learned counsel on either side and perused the records.

10. The order passed by the TNERC in MP.No.53 of 2025 dated 14.08.2025 would read as follows:-

“Tvl.N.Kumanan and A.P.Venkatachalapathy, Standing Counsel appeared for TNPDC. Arguments of the petitioner heard. Records perused. Petition admitted. The petitioner is directed to webhost the petition giving 15 days time for any objection /suggestion from stakeholders from the date of webhosting. On receipt of objections /suggestions from the stakeholders, the petitioner shall send reply directly to the respective objectors with a copy of the same to the Commission and thereafter an affidavit shall be filed alongwith the objections/suggestion of the stakeholders and reply of the petitioner to the same. The case is adjourned to 16.09.2025 for filing affidavit.”

11. A perusal of the above order would clearly indicate that TNPDC is functioning only as a liaisoning agent, inasmuch as it was directed to receive objections/suggestions from the stakeholders and thereafter to send replies directly to the respective objectors, with a copy marked to the Commission. TNPDC is thereafter required to file an affidavit before the TNERC, along with the objections/suggestions of the stakeholders and its replies, for further consideration. In such circumstances, this Court is of the considered opinion that no interference is warranted in the present Writ Petition.



12. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

WEB COPY

09-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SHR

To

1. Tamil Nadu Electricity Regulatory Commission,
4th Floor, Sidco Corporate Office Building,
Thiru.Vi.Ka Industrial Estate, Guindy, Chennai
-600 032, Represented By Its Secretary.
2. The Chief Financial Controller-regulatory Cell,
(tnpdcl), 7th Floor, 144, Anna Salai, Chennai
-600 002.



WEB COPY

WP No. 32825 of 2



P.T.ASHA, J.

SHR

WP No. 32825 of 2025

09-02-2026