

TAMIL NADU ELECTRICITY CONSUMERS' ASSOCIATION
Regd. No. 181-8524/1998 – **CIN.No.** U37102TZ1998GAP008524
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TECA: 2017/2018/SD/13
May 26, 2017

CIRCULAR

To

All Members,

Sir,

Sub: CGP Verification matter – Madurai Bench of Madras High Court orders to keep in abeyance all the Circulars of TANGEDCO HQ and consequential demands raised by TANGEDCO - In a Batch of Writ Petitions filed by HT consumers WP (MD) Nos. 9304 and 9305 of 2017.

In the matter of CGP verification process, two HT consumers have filed their writ petition separately before the Madurai Bench of Madras High Court on 22.05.2017. Accordingly, they were numbered as WP (MD) Nos. 9304 and 9305 of 2017. Both petitions came for hearing on 24.05.2017.

On hearing the matter elaborately, the matter was posted for orders on 25.05.2017. The Learned Additional Advocate General, has mentioned the matter and informed the Hon'ble Court that the Respondent TANGEDCO is consenting to go before the TNERC as prayed by the petitioners and accordingly, after recording the consent provided by the AAG, the Hon'ble Court has passed order, allowing both the writ petitions and has further ordered the Respondents to approach the TNERC in the matter of verification of status of CGPs and Captive users. The Court has further ordered that on receiving papers from the Respondent TANGEDCO, the TNERC should dispose the matter within 12 weeks of receipt of papers at TNERC.

The copy of the order is expected to be ready within this week end. On receipt of the order, further comments will be provided to members. Accordingly, all the impugned notices issued by the TANGEDCO Head Quarters from 15.03.2017 should be kept in abeyance and all SEs notices calling for records in the matter of verification of CGP and all demand notices raised for Cross Subsidy Surcharges should also be kept in abeyance as ordered by the Hon'ble Court through its order dated 25.05.2017.

Hence TECA expects that no further notices would be issued by any SEs hereafter. If any notices are issued, members can just ignore them and need not act up on it.

TNERC has the jurisdiction to verify the status of CGPs and Captive users. Hence TANGEDCO has to approach only the TNERC for taking any further steps in the matter of CGP.

Since, this is an order in the form of *judgement in rem*, following the principles of equity, it will be made applicable to all HT consumers who are involved with the CGP verification matter from 15.03.2017 onwards, including members of TECA.

Since it's a Consent Order,

1. There is no opportunity available for the TANGEDCO to file any appeal before Division Bench.
2. There is no opportunity available for the TANGEDCO to file any modification or review or vacate to stay petition etc., before the same Court.

If there are any further developments, TECA will inform the members.

Thanking You,

With Warm Regards,

K Ilango
Secretary