



TAMIL NADU ELECTRICITY CONSUMERS' ASSOCIATION

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3 March 2023

To All Members

CIRCULAR

Dear Members,

Sub: ***Final hearing at Supreme Court on 01.03.2023 on CGP Matter***

Ref: ***The Daily Order passed by Supreme Court dated 01.03.2023***

Dear All,

Members were aware that TANGEDCO has issued Circular requiring the Captive Generators and Captive users to furnish documents, data for the purpose of verification of captive generating plants in Accordance with Rule 3 of Electricity Rules, 2005. The aforesaid Circulars were challenged by TECA, and other Associations and other captive users before Hon'ble High Court. There after several legal proceedings in various authorities were held and finally this issue came before Hon'ble Supreme Court.

The Appeal filed by TATA Power Corporation and other DISCOMs, against the CGP Judgement of Hon'ble APTEL dated 07.06.2021 on the orders of the TNPPA and others, was heard finally on 01.03.2023, along with a tagged matter on the Proportionality issue Appeal, pertaining to the year 2007.

After hearing the matter elaborately and finally from all sides, the Hon'ble Supreme Court has reserved the matter for orders.

It looks that the Rule of Proportionality is likely to be applied on SPVs also, as the mind of the Court goes that special Purpose Vehicle's (SPVs) and Association of Persons (AoPs) are one and the same. Likewise, as how to deal with Captive Users, entering/ leaving the power purchase agreements during the middle of the Financial Year? would also go for a critical decision.

Let us wait for the Final Judgement. We will update this matter as we received the Judgement from the Court.

With Warm Regards

N. Pradeep
President

Encl : Supreme Court Daily Order dated 01.03.2023

Please find the attachment in Encyclopaedia of our website.