

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.12.2012

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.20841 of 2012

Tamil Nadu Electricity Consumers' Association  
rep. by its Secretary Mr.R.Nandagopal  
I floor, SIEMA Building, P.B.No.3847  
8/4, Race Course Road  
Coimbatore 641 018.

.. Petitioner

vs.

1. The Government of Tamil Nadu  
rep. by its Secretary to Govt.  
Energy Department  
Fort St. George, Chennai 600 009.
2. Tamil Nadu Generation and  
Distribution Corporation Ltd.  
(TANGEDCO)  
rep. by its Chairman and  
Managing Director  
144, Anna Salai, Chennai 600 002.
3. Tamil Nadu Transmission  
Corporation Limited (TANTRANSCO)  
rep. by its Chairman and  
Managing Director  
144, Anna Salai, Chennai 600 002.
4. The Chief Financial Controller/Revenue  
Accounts Branch, Revenue Division  
Tamil Nadu Generation and  
Distribution Corporation Ltd. (TANGEDCO)  
144, Anna Salai, Chennai 600 002.
5. Tamil Nadu Electricity Regulatory  
Commission (TNERC)  
rep. by its Secretary  
19-A, Rukmini Lakshmipathy Salai  
(Marshall's Road), Egmore, Chennai-8.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorarified Mandamus to call for the records of the first respondent viz. G.O. (Ms.) No.79, Energy (C.3) Department, dated 11.7.2012, culminating in the second respondent's Circular Memo No.CFc/Rev/FC/Rev/AS-3/D.No./12 dated 12.7.2012, quash the same and forbear the respondents 1 to 4 from in any manner levying, demanding and/or collecting Cross Subsidy Surcharges from the members of the petitioner for procuring energy from Wind Mills, CPP, Power Exchanges and third party sources so long as the Restriction and Control (R&C) measures imposed by the respondents are in force.

For Petitioner : Mr.N.L.Rajah

For Respondent-1: Mr.A.Naveethakrishnan  
Advocate General, assisted by  
Mr.V.Jayaprakash Narayanan  
Addl. Govt. Pleader for R1

For Respondents : Mr.P.H.Aravind Pandian  
2 to 5  
Addl. Advocate General  
assisted by Mr.S.K.Raameshwar.

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### ORDER

Heard the learned counsel appearing for both parties. It is admitted by both sides that the impugned Government Order in G.O.Ms.No.79, Energy (C.3) Department, dated 11.7.2012, and the consequential Circular, dated 12.7.2012, issued by the second respondent were quashed by this Court in the order dated 30.11.2012 passed in a batch of Writ Petitions in W.P. Nos.23113 of 2012 etc. However, it is submitted by the learned Additional Advocate General that in the said batch of cases, the petitioners are individual consumers and none of them is an Association. Hence, he has submitted that if the members of the petitioner Association pay individual court fee, the benefit of the aforesaid order can be extended to the petitioner Association. He has also brought to my notice the order dated 08.10.2012 passed in WP(MD) Nos.12650, 12749, 12750 and 12885 of 2012 directing the petitioner Association therein to pay Court fee in respect of individual members, who are seeking the benefit of the order dated 30.11.2012 passed in W.P.Nos.23113 of 2012 etc. batch.

2. Following the aforesaid order, this writ petition is allowed on condition that the petitioner Association pays Court fee in respect of individual members, who are seeking benefit of the quashment of the G.O.Ms.No.79, Energy (C.3) Department, dated 11.7.2012. The petitioner Association is directed to file the list

of members and also pay individual Court fee within a period of four weeks from today. No costs.

Sd/  
Asst.Registrar

/true copy/

*Arasanthi 2-1-13*  
Sub Asst.Registrar

ATR

To

1. The Secretary to Govt.  
Government of Tamil Nadu  
Energy Department  
Fort St. George, Chennai 600 009.
2. The Chairman and Managing Director  
Tamil Nadu Generation and  
Distribution Corporation Ltd. (TANGEDCO)  
144, Anna Salai, Chennai 600 002.
3. The Chairman and Managing Director  
Tamil Nadu Transmission  
Corporation Limited (TANTRANSCO)  
144, Anna Salai, Chennai 600 002.
4. The Chief Financial Controller/Revenue  
Accounts Branch, Revenue Division  
Tamil Nadu Generation and  
Distribution Corporation Ltd. (TANGEDCO)  
144, Anna Salai, Chennai 600 002.
5. The Secretary  
Tamil Nadu Electricity Regulatory  
Commission (TNERC)  
19-A, Rukmini Lakshmi pathy Salai  
(Marshall's Road), Egmore, Chennai-8.

Copy to: The Sub Assistant Registrar, Writ A.E, High Court, Madras

1 cc To Mr.N.L.Rajah, Advocate, SR.78430

1 CC to the Government Pleader SR NO 78037

W.P.No.20841 of 2012

RJ (CO)

SRA (02/01/2013)

Bz 000766

of members and also pay individual Court fee within a period of four weeks from today. No costs.

Asst. Registrar

Sub Asst. Registrar

(True copy)

ATN

1. The Secretary to Govt. Government of Tamil Nadu Energy Department, Fort St. George, Chennai 600 002.
2. The Chairman and Managing Director Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO), 144, Anna Salai, Chennai 600 002.
3. The Chairman and Managing Director Tamil Nadu Transmission Corporation Limited (TANTRANCO), 144, Anna Salai, Chennai 600 002.
4. The Chief Financial Controller/Revenue Accounts Branch, Revenue Division Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO), 144, Anna Salai, Chennai 600 002.

*MP 2011/12*  
**HIGH COURT OF JUDICATURE  
 MADRAS.**

No. *78430*

Carbon Copy application		
made	<i>21/12</i>	<i>2012</i>
Application Returned	<i>1</i>	<i>200</i>
Application Represented		<i>200</i>
Copy made ready	<i>2/1</i>	<i>2013</i>
Copy Delivered	<i>3/1</i>	<i>2013</i>

*[Signature]*  
*3/1/13*

The Secretary  
 Tamil Nadu Electricity Regulatory  
 Commission (TNERC)  
 19-A, Rukmani Lakshmi Naidu Salai  
 (Marshall's Road), Egmore, Chennai-8.

Copy for the Sub Assistant Registrar, W.I.  
 to Mr. N.I. Rajan, Advocate, BR 78430  
 101 to the Government Pleader BR NO 7803

AT (100)  
BR (100)