

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Monday, the Fourteenth day of November Two Thousand Sixteen

PRESENT

THE HON'BLE MR JUSTICE N. KIRUBAKARAN

WP No.39720 of 2016

and WMP.No.33982 & 33983 of 2016

TAMILNADU ELECTRICITY [PETITIONER IN BOTH THE PETITIONS]
CONSUMERS ASSN., 1ST FLOOR,
SIEMA BUILDING, 8/4 RACE COURSE,
COIMBATORE 641 018,
REP. BY ITS VICE PRESIDENT MR.S.V.DEVARAJAN

Vs

1 TAMIL NADU GENERATION AND [RESPONDENTS IN BOTH THE PETITIONS]
DISTRIBUTION CORPORATION LTD,
REP BY CHAIRMAN & MANAGING DIRECTOR,
144, ANNA SALAI, CHENNAI-600 002

2 TAMIL NADU TRANSMISSION
CORPORATION LTD,
REP BY MANAGING DIRECTOR,
144, ANNA SALAI, CHENNAI-600 002

3 TAMIL NADU ELECTRICITY
REGULATORY COMMISSION,
NO.19A, RUKMINI LAKSHMIPATHY SALAI,
EGMORE, CHENNAI-600 008

4 THE CHIEF ENGINEER -NCES
TANGEDCO, 2ND FLOOR,
144, ANNA SALAI, CHENNAI-600 002

Writ Petitions under Article 226 of the Constitution of India praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to

(i) Issue a WRIT A MANDAMUS or any other writ or order or direction in the nature of a writ, forbearing the Respondents and their men, agents from collecting Scheduling and System Operation Charges from the Members of the Petitioner Association based on the 4th respondents Memo dated 18.8.2016 until the required clarification is issued by the 3rd respondent in R.P.No.1 of 2016 (in WP.No.39720/16);

(ii) To interim injunction restraining the 1st, 2nd and 4th Respondents or their men, agents, subordinates or officials of the Respondents from in any manner levying, demanding and/or collecting Scheduling & System Operation charges from the members of the Petitioner Association either through CC Bills or in any other manner, based on the 4th Respondents, Memo dated 18.08.2016, in WMP.No.33982/16 in WP.No.39720/16;

(iii) To interim stay of the 4th Respondents working instructions bearing Memo NO.CE/ NCES/ SE/EE/WPP/ AEE2/ F.Order No.3, dt.31.03.2016/ D.1553/ 2016, dated 18.08.2016 in so far as the levy of Scheduling & System operation charges are concerned and all proceedings pursuant thereto, in WMP.NO.33983/16 pending disposal of the above writ petition.39720/16 Respectively.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.S.P.PARTHASARATHY, Advocate for the petitioner in both the petitions and of Mr.S.K.RAMESHUWAR, Standing Counsel on behalf of the Respondents the court made the following order:-

Mr.S.K.Rameshuwar, learned Standing Counsel, takes notice on behalf of the respondents.

2. In view of the earlier order passed on 06.10.2016 in W.P.No.35657 of 2016, the operative portion of which reads as follows:-

"4. To strike a fine balance between the rights of the parties, instead of directing the petitioner to pay at the old rate or at the rate, as per the new Tariff order, this Court directs the petitioner to pay @ Rs.300/- per day, irrespective of the capacity of WEGs, towards Scheduling and System Operating Charges, pending disposal of the writ petition".

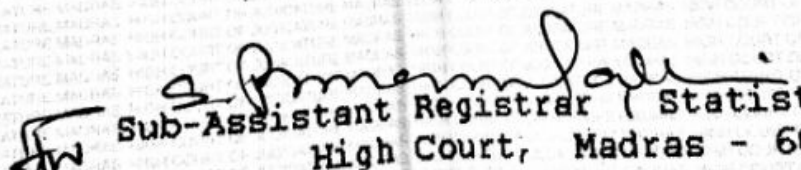
there shall be an order directing the petitioner to pay @ Rs.300/- per day, irrespective of the capacity of WEGs, towards Scheduling and System Operating Charges, pending disposal of the writ petition.

Post along with W.P.No.35657 of 2016.

-sd/-

14/11/2016

/ TRUE COPY /


Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

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C.C. to M/S.R.S.PANDIYARAJ Advocate on SR.NO.15604

The Government Advocate, High Court, Madras - 104.

Order

in

WP No.39720 of 2016

and WMP.No.33982 & 33983 of 2016

Date :14/11/2016

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