

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.39721 of 2016

and WMP.No.33984, 33985 of 2016

TAMIL NADU ELECTRICITY  
CONSUMERS ASSN.,  
REGN. NO. 181-8524/1998,  
1ST FLOOR, SIEMA BUILDING,  
8/4 RACE COURSE,  
COIMBATORE 641 018,  
REP BY ITS VICE PRESIDENT S.V.DEVARAJAN

[ PETITIONER IN BOTH THE PETITIONS ]

Vs

1 TAMIL NADU GENERATION AND [ RESPONDENTS IN BOTH THE PETITIONS ]  
DISTRIBUTION CORPORATION LTD.,  
REP BY ITS CHAIRMAN AND MANAGING DIRECTOR,  
144 ANNA SALAI, CHENNAI 2

2 TAMIL NADU TRANSMISSION  
CORPORATION LTD.,  
REP BY ITS MANAGING DIRECTOR,  
144 ANNA SALAI, CHENNAI 2

3 TAMIL NADU ELECTRICITY  
REGULATORY COMMISSION,  
NO.19A RUKMINI  
LAKSHMIPATHY SALAI,  
EGMORE, CHENNAI 8

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

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 OF MANDAMUS or any other writ or order or  
direction in the nature of a writ, forbearing the respondents and

AZ 009600

their men, agents from collecting Scheduling and System Operation Charges from the Members of the petitioner Association having REC windmills at the rate of Rs.2000/Day based on the 4th respondents Memo dt 18.8.2016 (in WP.No.39721/16);

(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 who are having REC windmills at the rate of Rs.2000/Day either through CC Bills or in any other manner, based on the 4th respondents Memo dt 18.8.2016 in WMP.No.33984/16 in WP.No.39721/16;

(iii) to interim stay of the 4th respondents working instructions bearing Memo No. CE/ NCES/SE/EE/WPP/AEE2/F. Order No.3, dt 31.3.2016/D. 1553/2016, dt 18.8.2016 in so far as the levy of Scheduling and System Operation Charges are concerned in respect of REC windmills at the rate of Rs.2000/Day and all proceedings pursuant thereto, in WMP.No.33985/16 pending disposal of the above writ petition 39721/16 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.RAMESHWAR, Advocate (TNEB) on behalf of the Respondents in both the petitions 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 REC, 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 /

For VLR Chandran 17.11.16  
Sub-Assistant Registrar ( Statistics / C.S. )  
High Court, Madras - 600 104.

TO

1 TAMIL NADU GENERATION AND [ RESPONDENTS IN BOTH THE PETITIONS ]  
DISTRIBUTION CORPORATION LTD.,  
REP BY ITS CHAIRMAN AND MANAGING DIRECTOR,  
144 ANNA SALAI, CHENNAI 2

2 TAMIL NADU TRANSMISSION  
CORPORATION LTD.,  
REP BY ITS MANAGING DIRECTOR,  
144 ANNA SALAI, CHENNAI 2

3 TAMIL NADU ELECTRICITY  
REGULATORY COMMISSION,  
NO.19A RUKMINI  
LAKSHMIPATHY SALAI,  
EGMORE, CHENNAI 8

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

C.C. to M/S.R.S.PANDIYARAJ Advocate SR.NO.15605

The Government Advocate, High Court, Madras - 104.

Order

in

WP No.39721 of 2016

and WMP.No.33984, 33985 of 2016

Date :14/11/2016

From 26.2.2001 the Registry is issuing certified  
copies of the Interim Orders in this format  
SDR 16.11.2016