

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Twenty Ninth 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

1 TAMIL NADU GENERATION AND 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 - NCS 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

(1) Issue a WRIT OF 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 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:-

The matter has been listed "for clarification".

Without prejudice to the rights of parties, as per the earlier order dated 14.11.2016, the members of the petitioner shall not seek any refund of the Scheduling and System Operating charges, which have been already paid with respect to REC WEGs.


Further, it is made clear that pending disposal of the writ petition, the Scheduling and System Operating charges shall not be charged from the petitioner except as per the interim order.

Post the matter in the usual course.

-sd/-

29/11/2016

/ TRUE COPY /


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

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