

**TAMIL NADU ELECTRICITY CONSUMERS' ASSOCIATION**  
**Regd. No. 181-8524/1998 – CIN.No. U37102TZ1998GAP008524**  
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TECA: 2018/2019/SR/60  
13th October 2018

**CIRCULAR**

To  
All Members,  
Dear Sir,

**Sub : Final Order passed by Division Bench of Madurai Court in CGP verification on the Appeal filed by TANGEDCO**

Further to our circular No. 58 dated 09.10.2018 we are enclosing herewith the copy of web hosted order passed by Hon'ble Division Bench of Madurai High Court dated 09.10.2018.

The Important portion of the Order is as follows;

10. In view of the above, we are not inclined to undertake any academic exercise in deciding the jurisdiction qua verification and adjudication as ultimately, final adjudication, in any case, would lie in the court of the second respondent (TNERC). We may note that we are at the initial stage and therefore it would only be just and proper to proceed further resulting the adjudication. There is also a broad agreement on this course. In such view of the matter, these writ appeals stand disposed of with the following directions/observations.

(i) The issue qua the jurisdiction and power of the appellants to verify and determine CGP Status leading to entitlement of cross surcharge subsidy is left open;

(ii) The second respondent is directed to issue either a general or special order detailing the procedure to be followed for verification of the CGP Status either by directing or giving liberty to the appellants to verify the Captive Status of the Generating Companies;

(iii) The aforesaid order will have to be passed within a period of six weeks from the date of receipt of a copy of this order;

(iv) The private respondents are directed to furnish the particulars to facilitate the process of verification as per the procedure contemplated and the directions of the second respondent when asked by the appellants preferably within a period of four weeks;

(v) The appellants can make a determination on receipt of the aforesaid verification particulars from the respective Generating Companies and in the event of disputes, place them before the second respondent for adjudication after marking copies of the same to the concerned Generating Companies.

(vi) As and when the said exercise is done with respect to each and every Generating Company, the adjudication process will have to be commenced and thereafter completed by the second respondent within a period of six weeks;

It is open to the second respondent to pass a common order in view of the commonality of the issues involved. All other issues both on fact and law are left open to be agitated by the appellants and the private respondents and thus, adjudicated by the second respondent. No costs. Consequently, connected civil miscellaneous petitions are closed.

With Warm Regards,

N. Pradeep  
Secretary