

**TAMIL NADU ELECTRICITY CONSUMERS' ASSOCIATION**  
**Regd. No. 181-8524/1998 – CIN.No. U37102TZ1998GAP008524**  
1st Floor, SIEMA Building, 8/4, Race Course, Coimbatore - 641 018  
Phone: (0422) 4351400 E-mail: [teca@tecaonline.in](mailto:teca@tecaonline.in) Web: [www.tecaonline.in](http://www.tecaonline.in)

---

TECA: 2017/2018/SD/14

May 26, 2017

**CIRCULAR**

To

All Members,

Sir,

Sub: WEGs for captive use – Wind energy accounting – New procedure announced by CE NCES vide his Circular Memo dated 31.05.2017 - Madurai High Court orders to keep in abeyance and further orders to approach TNERC on the matter through a consent order issued on 25.05.2017

Ref: 1. The Circular Memo of CE NCES in CE/NCES/SE/EE/WPP/AEE2/ F. Banking instruction /D.903/17 dated 30/31.03.2017

2. TECA objection filed before the CE NCES dated 09.05.2017

\* \* \*

Chief Engineer - NCES had issued a Circular Memo as cited above in the matter of Wind energy Accounting procedures. In the circular, the CE has completely changed the wind energy accounting procedures from 01.04.2017 onwards formulating a procedure which is against the Electricity Rules and the binding judgement of APTEL. TECA had filed an objection before the CE NCES on 09.05.2017. The new procedure has created lot of confusion in the matter of providing generation statements, particularly to those who are receiving CGP power from CGP generators of wind energy. Because of the same, the CFC-Revenue has changed the April billing date twice, first to 10.05.2017 and again to 31.05.2017. Due to the difficulties faced by wind energy consumers and generators, one of the CGP wind energy generators, has challenged the Circular Memo of the CE NCES before the Madurai High Court in WP (MD) No.9320 of 2017 on 22.05.2017. Accordingly, the matter was listed for hearing on 24.05.2017.

On hearing the matter elaborately, the matter was posted for orders on 25.05.2017. The Learned Additional Advocate General representing TANGEDCO, informed the Hon'ble Court that the Respondent TANGEDCO is consenting to go before the TNERC as prayed for by the petitioner. After recording the consent provided by the AAG, the Hon'ble Court passed its order, allowing the writ petition and has further ordered the Respondents to approach the TNERC in the matter of issuing revised instructions as to how the wind energy accounting needs to be maintained for the wind energy captive consumers and wind energy CGP generators. The Court has further ordered that on receiving papers from the Respondent TANGEDCO, the TNERC should dispose off the matter within 12 weeks of receipt of papers at TNERC.

The copy of the order is expected to be ready this week end. On receipt of the order, further comments will be provided to members. Accordingly, any action in line with the impugned Circular Memo issued by the CE NCES on 30/31.03.2017, should be kept in abeyance.

TANGEDCO has to approach only the TNERC for making any changes or issuing instructions on wind energy accounting including banking accounting as the TNERC alone has the authority and jurisdiction to approve such instructions.

Since, this is an order in the form of *judgement in rem*, following the principles of equity, it will be made applicable to all wind energy captive consumers including the wind energy CGPs.

Since it's a Consent Order,

1. There is no opportunity available for the TANGEDCO to file any appeal before Division Bench.
2. There is no opportunity available for the TANGEDCO to file any modification or review or vacate to stay petition etc., before the same Court.

Thanking You,

With Warm Regards,

K Ilango  
Secretary