***(To be sent to the SE/EDC by the captive users in their letter pad with RPAD)***

To

The Superintending Engineer

………………..Distribution circle

…………………………………..

Dear Sir,

Sub: Compliance of Captive norms-HTSC No:………….Provisional Demand Notice for Cross subsidy surcharge issued by the TANGEDCO in violation of Hon’ble High Court of Madras order in W.P No 10542 of 2017-Reg

Ref : 1. Interim orders granted by the Hon’ble High Court of Madras in W.P No 10542 of 2017 in respect of petition filed by Indian Wind Power Association

2. Your Show cause Notice No:………………………………………………

3. Our Reply letter………………………………………………………….

4. Provisional Demand Notice……………………………………………….

1.This is with reference to your **Provisional Demand Noticefor Cross subsidy surcharge**cited under reference (4) above. In this connection, we would like to invite your attention to the order of the Hon’ble High Court of Madras and our reply letter to your show cause notice cited under reference (3) above. We would like to once again inform you thatour Captive Generating Plant M/s……………………………… ………………………………..*(Name and HTSC number of the CGP)* is a member of Indian Wind Power Association (IWPA) and as a captive user we are entitled for the benefit of the said order of the Honourable High Court of Madras.The operative portion of the order is once again reproduced below.

*“Considering the above submissions made, this Court is of the view that the matter requires a deeper consideration. It is submitted that only in few cases, demands have been raised after conclusion of the process of verification. Therefore, this Court is of the view that while permitting the process of verification to go on, no new demand can be raised by way of passing appropriate orders. In case, where demands have already been raised, they shall not be given effect to.*

*It is made clear that this order will not stand in the way of the petitioners contending that the process of verification is contrary to law. It is further clear that the benefits which the petitioners are enjoying till now shall not be disturbed until further orders, so is the case of the entitlement for the future, on merits, if any.*

*Post the writ petitions on 15.06.2017.”*

2. Please note that in the above petition, the IWPA questioned the locus standi of the TANGEDCO to verify the CGP status. In response, the Honourable High Court ordered that the said order “*will not stand in the way of the petitioners contending that the process of verification is contrary to law”.* Therefore, calling documents for verification itself is a clear contravention of the said Court order.

3. Further, Honourable High Court has ordered that “*no new demand can be raised by way of passing appropriate orders. In case, where demands have already been raised, they shall not be given effect to.*Regrettably, despite passing of the aforesaid judgment by the Hon’ble High Court, TANGEDCO has not complied with the order but has issued new Demand Notice for Cross subsidy surcharge vide reference cited under (4) above.The issuance of such new Demand Notice for Cross subsidy surcharge by the TANGEDCO can very well be construed as having committed contempt of the aforementioned order of the Hon’ble High Court.

4. In light of the above, we once again request you to withdraw all the demand,show cause and other notices issuedby TANGEDCO in pursuance of the captioned matter with immediate effect so as to ensure the compliance of the court order dated 25-04-2017 passed by the Hon’ble High Court, Madras in W.P. No.10542 of 2017.

 Thanking you

Yours sincerely,

Authorized Signatory