

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Special Original Jurisdiction )

Monday, the Fifth day of October Two Thousand Fifteen

PRESENT

The Hon'ble Mr. Justice R. SUBBIAH

WP(MD) No.17882 of 2015  
and MP(MD) Nos.2 & 3 of 2015

INDIAN WIND POWER ASSOCIATION

REP. BY ITS SECRETARY GENERAL, DOOR NO. E,  
6TH FLOOR, TOWER 1 SHAKTHI TOWERS, NO. 766,  
ANNA SALAI, CHENNAI - 600 002.

... PETITIONER IN BOTH MP PETITIONS

Vs

1 THE TAMIL NADU GENERATION AND  
DISTRIBUTION CORPORATION LTD (TANGEDCO), 144,  
ANNASALAI, CHENNAI - 600 002, REP. BY ITS  
CHAIRMAN.

2 THE CHIEF FINANCIAL CONTROLLER  
REVENUE, TAMILNADU GENERATION AND  
DISTRIBUTION CORPORATION LTD (TANGEDCO), 144,  
ANNASALAI, CHENNAI - 600 002.

3 THE SUPERINTENDING ENGINEER  
TANGEDCO, TIRUNELVELI ELECTRICITY  
DISTRIBUTION CIRCLE, TIRUNELVELI.

4 THE SUPERINTENDING ENGINEER  
TANGEDCO, UDUMALPET ELECTRICITY DISTRIBUTION  
CIRCLE, UDUMALPET.

5 THE SUPERINTENDING ENGINEER  
TANGEDCO, DINDIGUL ELECTRICITY DISTRIBUTION  
CIRCLE, DINDIGUL.

6 THE SUPERINTENDING ENGINEER  
TANGEDCO, THENI ELECTRICITY DISTRIBUTION  
CIRCLE, THENI.

7 THE SUPERINTENDING ENGINEER  
TANGEDCO, TIRUPUR ELECTRICITY DISTRIBUTION  
CIRCLE, TIRUPUR.

8 THE SUPERINTENDING ENGINEER  
TANGEDCO, COIMBATORE ELECTRICITY  
DISTRIBUTION CIRCLE, COIMBATORE.

9 THE SUPERINTENDING ENGINEER  
TANGEDCO, ERODE ELECTRICITY DISTRIBUTION  
CIRCLE, ERODE.

10 THE SUPERINTENDING ENGINEER  
TANGEDCO, TUTICORIN ELECTRICITY DISTRIBUTION  
CIRCLE, TUTICORIN.

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11 THE SUPERINTENDING ENGINEER  
TANGEDCO, NAGERCOIL ELECTRICITY DISTRIBUTION  
CIRCLE, NAGERCOIL.

12 THE SUPERINTENDING ENGINEER  
TAMIL NADU ELECTRICITY REGULATORY COMMISSION  
REPD. BY ITS SECRETARY, 19-A, RUKMINI  
LAKSHMIPATHY SALAI (MARSHALLS ROAD), EGMORE,  
CHENNAI - 600 008.

... RESPONDENT IN BOTH PETITIONS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in the impugned letter in No. CFC/REV/FC/REV/AS.3/D.No.197/15 dated 30.05.2015 and quash the same as arbitrary and illegal and forbearing the Respondents and their subordinates, men, agents from in any manner demanding, levying, recovering or collecting the 25% of the encasement amount for the periods from 2009-10 to 2013-14 and / or from including the said amounts in the generation statements to be issued for September 2015 or thereafter in respect of the members of the petitioner Association.

Prayer in MP(MD). 2/ 2015 in WP(MD).17882/2015 :

To grant an Interim Stay of the impugned clarification letter issued by the 2nd respondent bearing No. CFC/REV/FC/REV/AS.3/D.No.197/15 dated 30.05.2015, and all proceedings pursuant or consequent thereto, in respect of the members of the petitioner Association, pending disposal of the above Writ Petition.

Prayer in MP(MD). 3/ 2015 in WP(MD).17882/2015 :

To grant an order of Interim Injunction, restraining the Respondents 3-11, their men, subordinates and officials from demanding and collecting the alleged 25% of the encashment and making it included in the generation statements to be issued for September 2015 in respect of the members of the members of the petitioner Association, pending disposal of the above Writ Petition.

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of M/S.SATISH PARASARAN, Advocate for the petitioner in both petitions and of on behalf of the Respondents the court made the following order:-

Mrs.S.Srimathy learned counsel takes notice.

In an identical matter in batch of cases in WP(MD)No. 17091 of 2015 etc, this Court has granted an order of interim stay and interim injunction for a period of four weeks.

Hence, following the same, there shall be an order of interim stay and interim injunction for a period of four weeks.

sd/-  
05/10/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

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TO

1 THE CHAIRMAN, THE TAMIL NADU GENERATION AND  
DISTRIBUTION CORPORATION LTD (TANGEDCO), 144,  
ANNASALAI, CHENNAI - 600 002,

2 THE CHIEF FINANCIAL CONTROLLER  
REVENUE, TAMILNADU GENERATION AND  
DISTRIBUTION CORPORATION LTD (TANGEDCO), 144,  
ANNASALAI, CHENNAI - 600 002.

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CIRCLE, TUTICORIN.

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TANGEDCO, NAGERCOIL ELECTRICITY DISTRIBUTION  
CIRCLE, NAGERCOIL.

12 THE SECRETARY, THE SUPERINTENDING ENGINEER  
TAMIL NADU ELECTRICITY REGULATORY COMMISSION  
19-A, RUKMINI LAKSHMIPATHY SALAI (MARSHALLS ROAD), EGMORE,  
CHENNAI - 600 008.

+1. C.C. to M/S.SATISH PARASARAN Advocate SR.No.58477.

TS/05.10.2015/3P - 14C AMF/SAR -I

ORDER IN  
WP (MD) No.17882 of 2015  
Date :05/10/2015

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