

2. The TNEB did not choose to file an appeal before the Appellate Tribunal for Electricity within the time period stipulated by the High Court and therefore the order of the Commission has become final and binding on all parties including the TNEB and the wind energy generators.

3. Thereafter, in W.P.No.8366 of 2009, the High Court passed the following order on 19-5-2009.

*"This writ petition is filed for a issue of writ of Mandamus directing the respondents to forthwith comply with the order of the Tamil Nadu Electricity Regulatory Commission in its order dated 28-11-2008 in M.P.No.42/2008 as contained in para 24 of the order.*

*2. On notice, the learned Additional Advocate General has submitted that even Board is also consenting to treat the petitioner's association on par with any other captive power users and their quota will be refixed basing on the respondent Board power supply and captive power supply. He has also submitted that this is subject to the Board's other proceedings with regard to imposing penalty and other things.*

*3. Recording the above submission, the writ petition is closed. No costs. Consequently, connected M.P. Nos. 1 and 2 are closed."*

4. The High Court of Madras disposed of the Writ Petition Nos.17467, to 17471 and 17521 to 17524 and 17239 to 17243 and 17330 to 17333 and 17338 to 17342 and 16479, 16480, 16524 and 16803 to 16805 of 2009 with the following Common Order on 29-8-2009.

*"The writ petitions have been filed challenging fixation of quota as well as penalty imposed by the respondents.*

*2. After some deliberations consensus have been arrived by the learned counsel appearing for the petitioner as well as the learned Advocate General appearing for the Board. As per the consensus the following order is passed by consent of all.*

*2.1. The Board refixing energy quota and demand quota in respect of wind energy generators has filed 2 memos dated 4-8-2009 and 21-8-2009 before the Tamil Nadu Electricity Regulatory Commission, Chennai.*

*2.2. The Commission referred to above shall decide about the same after hearing the parties concerned.*

*2.3. Till such time the respondent Board shall not enforce the penalty for the past claim as ell as the future claim.*