

3. These writ petitions are ordered accordingly. Consequently, connected miscellaneous petitions are closed. No order as to costs."

5. Further, while disposing of the Writ Petition Nos.

17738, 17739 and 17740 of 2009, the High Court passed the following order on 1-9-2009.

*"The petitioners have come forward with the present the writ petitions challenging the fixation of quota made by the respondents.*

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

*2.1. The Board re-fixing 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 well as the future claim*

*3. These writ petitions are ordered accordingly. Subsequently, the connected M.P.s are closed. No order as to costs."*

6. The High Court has directed the Commission to

decide the energy quota and demand quota in respect of wind energy generators taking into account the memos dated 4-8-2009 and 21-8-2009 filed by the TNEB with the TNERC.

7. It is necessary to trace the background of the order of the Commission dated 28-11-2008. The TNEB filed a Miscellaneous Petition 42/2008 on 6-11-2008 before the TNERC seeking approval for the restriction and control measures and for the levy of excess demand charges and excess energy charges. The restriction and control measures were enforced by the distribution licensee, the TNEB, in exercise of the powers conferred under clause 38 of the Tamil Nadu Electricity Distribution Code 2004 notified by the TNERC.