

10. Thereafter, the Commission passed an order on 28-11-2008. The salient features of the order relating to demand quota and energy quota for wind energy generators are reproduced:-

*"Para 24. Therefore, we direct that the for determination of demand and energy quota for wind energy captive users shall be the same as that of other captive users. It has, further, been reported by the TNEB that 315 million units of wind energy generated between 1-4-2008 to 31-10-2008 have been banked with TNEB. This wind energy so banked by the generators during the difficult months of May, June, July, August, September and October 2008 enabled the TNEB to ward off load shedding and power cut effectively. They came to the rescue of TNEB in difficult times. The statistics of load shedding and the wind energy generated during these months as been analyzed by the Commission before reaching the above conclusion. the Commission feels that it is incumbent upon the TNEB to come to the rescue of the wind energy captive users, if they choose to utilise their banked energy now.*

*Para 25. By all accounts, there is a strong case for a preferential treatment of the banked wind energy captive users. The Commission estimated that utilization of banked energy of 315 million units between 1-12-2008 and 30-4-2009 would raise the consumption level of 170 million units by additional 2 million units daily. The incremental demand required for the utilization of this banked energy is estimated to be 100 MW, after considering the peak house restriction, out of the total availability of 7500 MW.*

*Para 26. We, therefore, direct the TNEB to permit the utilization of banked wind energy between 1-12-2008 to 30-4-2009 in five monthly equal instalments, wherever necessary by enhancing the demand and energy quota as done in the case of other captive consumers subject to the evening peak hour restrictions.*

*Para 43. As the base for computation of maximum demand charges would undergo a change, this is being notified with prospective effect. Excess energy consumption charges, which is introduced for the first time, will have prospective effect from the date of the Order. Similarly, the computation of the demand and energy quota shall be revised for wind captive users with immediate effect in accordance with the formula prescribed by the Commission. As regards the Restriction and Control measures, which have been enforced from 01-11-2008, the date of effect shall be 01-11-2008."*

11. The Commission, as detailed, in the above paragraphs, directed the TNEB to re-work the demand and energy quota of wind captive users with immediate effect. The method of determination of demand and energy quota for wind energy captive users was to be same as that of other captive users. The TNEB was, further, directed to permit utilization of wind energy banked as on 1-11-2008 in five equal monthly instalments between 1-12-2008 and 30-4-2008, wherever necessary by enhancing the demand and energy quota as in the case of other captive users. The method for determination of