

14. The petitioners pleaded that the wind power capacity earmarked for wheeling and captive use should not be construed by the TNEB as belonging to them. The petitioners submitted that it is only the capacity, which is earmarked for sale to the TNEB, should be counted as the capacity belonging to the TNEB. The TNEB in their additional affidavit submitted on 23-10-2009 stated that of the total installed capacity of windmills of 4535 MW as on 30-9-2009, a capacity of 2413 MW was earmarked for sale to the Board and a capacity of 2122 MW had sought wheeling facility. The TNEB further has affirmed that the banked energy as on 31-3-2009 stood at 224 MU. The banked energy for the period from 1-4-2009 to 30-9-2009 is 943 MU. That the banked energy has further swelled by 943 MU between 1-4-2009 and 30-9-2009 is indicative of the severe restrictions on power consumption during this period. They further submitted that the generation of energy by wind mills between 1-4-2009 to 30-9-2009 was 5876 MU. These figures were accepted by the petitioners. The wind energy generators submitted that they being both captive consumers as well as captive generators, deserve a special treatment as compared to ordinary consumers. Captive consumers draw power from their own source unlike the ordinary consumer who depend on the distribution licensee for supply of power. The petitioners submitted that as in the case of thermal captive generators, the wind generators should be permitted to avail the full demand and energy quota of captive wind generation and the peak hour utilization as provided in the memo of the TNEB dated 17-11-2008. The petitioners further demanded a price of Rs.3.50 per unit, which is the tariff for industrial consumers, for the unutilized banked energy on the ground that despite Commission's Order dated 28-11-2008, the wind generators were prevented from utilizing the banked energy between 1-12-2008 and 30-4-2009. Out of the 315 MU banked energy as on 1-11-2008 the TNEB has reported that 224 MUs remained in the bank as on 31-3-2009, which supports the contention of the petitioners that a significant portion of the banked energy as on 1-12-2008 was prevented from being utilized. The petitioners complained that they have been prevented from utilizing the wind energy at par with the thermal captive consumers during the