

**TAMIL NADU ELECTRICITY REGULATORY COMMISSION**  
**(Constituted under Section 82 (1) of the Electricity Act, 2003**  
**Central Act 36 of 2003)**

**PRESENT:-**

**Thiru.K.Venugopal** .... **Member**  
**Thiru.S.Nagalsamy** .... **Member**

**D.R.P. No. 15 of 2011**

|   |       |             |
|---|-------|-------------|
| 1) Terra Energy Ltd.,<br>2) Shree Ambika Sugars Ltd., | ..... | Petitioners |
| Versus  |       |             |
| 1)TNEB and 3 others.                                  | ..... | Respondents |

**Daily Order**

**Date of hearing : 17-10-2012**

Counsel for both side were present. The Learned Senior Counsel for TANGEDCO elaborately argued on their additional counter affidavit filed on 30<sup>th</sup> July, 2012 in D.R.P.No.15 of 2011 and D.R.P.No.16 of 2011. He argued at length the various provisions of contract entered between PTC and Generator on one hand and PTC and TNEB on the other. He further argued that, “any party” referred in the PPA entered into between PTC and Generator would confine to PTC and Generator concerned and did not refer to TNEB as it has not been made a party in the agreement entered between PTC and the Generator.

An important issue which came up during the hearing is the modification to the agreement made by the letter of TNEB dated 7-4-2010, which deletes clause 11 of the agreement dated 21-10-2009 between TNEB and PTC with retrospective effect. Another compensation clause was substituted in the place of original clause 11 of the above referred agreement with prospective effect from March, 2010. This indicates that there is no compensation clause during the period prior

to March,2010 in the agreement between TNEB and PTC. This letter also indicates that consequent on the deletion of clause 11 retrospectively upto February 2010, no compensation is payable upto February 2010 and compensation, If any will have to be worked out afresh with prospective effect from March, 2010. This position has also been reflected in the additional counter in para 7 of D.R.P.No.15 of 2011. The Commission desires to know the implementation of this amendment in the PPA, with regard to both compensation as well as the actual payments to be made for the energy supplied in accordance with the PPA. The Commission directs the parties to work out and submit the statement of the payments due as per the agreements between PTC and Petitioners and PTC and TNEB and the payments made, which will bring out clearly the position of outstanding payments if any. This shall be done within a period of 4 weeks. The matter be listed for further arguments on 4<sup>th</sup> December 2012.

(Sd.....)  
**(S. Nagalsamy)**  
**Member**

(Sd.....)  
**(K.Venugopal)**  
**Member**

/ True Copy /

Secretary  
Tamil Nadu Electricity  
Regulatory Commission