

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

**PRESENT:-**

ThiruM.Chandrasekar	.... Chairman
Thiru K.Venkatasamy	.... Member (Legal)
and	
Thiru R.Jarard Kishore	... Member

**S.M.P. No.1 of 2021**

**Suo-Motu Proceedings in the matter of Fees and Fines Regulations**

**Dates of hearing: 21-09-2021; 28-09-2021 and 08-02-2022**

**Date of Order: 23-02-2022**

1. The instant proceedings have been initiated consequent to the direction issued by the Hon'ble High Court of Madras in the Writ Petition No. 10944 of 2021 filed by M/s.Arkey Energy (Rameswaram) Ltd., W.P. No.15030 of 2020 by M/s. OPG Power Generation Pvt. Ltd., and W.P. No.23678 of 2017 filed by National Solar Energy Federation of India in the matter of Regulation 6 (7A) of the Tamil Nadu Electricity Regulatory Commission Fees and Fines Regulations, 2004 relating to charging fee for petitioner for dispute resolution @ 1% of the claim. The Hon'ble High Court of Madras issued the following direction to the Commission on 15-09-2021 as follows:-

*“Let the hearing stand over for a fortnight to enable the Tamil Nadu Electricity Regulatory Commission to consider, in consultation with all stakeholders, the serious prejudice caused by the perceived excessive filing fees and the access to justice being restricted as a consequence, List on 29-09-2021.”.....*

2. During the hearing held on 21-09-2021, the views of the following stakeholders heard.

- (i) Thiru. Rahul Balaji, Advocate offered his comments on behalf of the Generators and Stakeholders' Associations.
- (ii) Thiru.S.P.Parthasarathy, Advocate offered his comments on behalf of Tamil Nadu Spinning Mills Associations.
- (iii) Thiru.Shiva Krishnamurthy, Advocate offered his comments on behalf of M/s.Arkey Energy (Rameswaram) Limited.
- (iv) Tmt. R.Anitha, Government Advocate offered her comments on behalf of the Principal Secretary to Government, Energy Department, Government of Tamil Nadu.

3. During the hearing held on 28-09-2021, the following stakeholders offered their comments:-

- (i) Thiru. Rahul Balaji, Advocate who appeared on behalf of stakeholders filed his draft regulations for consideration of the Commission.
- (ii) Thiru.S.P.Parthasarathy, Advocate who appeared on behalf of Tamil Nadu Spinning Mills Association filed his draft regulations for consideration of the Commission.
- (iii) Thiru.Advaidh Nelakandan, appeared on behalf of M/s.Arkey Energy (Rameswaram) Limited and offered his comments.
- (iv) Tmt. R.Anitha, Government Advocate appeared on behalf of the Principal Secretary to Government, Energy Department, Government of Tamil Nadu.

Prior to the hosting of the draft regulations, consultative paper was issued on 15-11-2021 to which comments were received.

4. Thereafter, the Commission directed Registry of the Commission to prepare a draft regulation for taking into consideration all the comments given by the Counsels. All stakeholders were permitted to give their comments on the draft amendment.

5. The proposed amendment to the Fees and Fines Regulations was hosted in the website for invitation of comments from the stakeholders with the last date as 24-12-2021 for receipt of comments. Consequently, comments received from various stakeholders including the Wind Energy Generators, GOTN represented by Finance Department and TANGEDCO and TANTRANSCO were considered. After considering the views of all sides, the final notification was issued in the Tamil Nadu Government Gazettee on 26-01-2022 which superseded the existing regulations. Thus, the object of suo motu proceedings initiated upon the direction of the Hon'ble High Court of Madras has been fulfilled and nothing survived in the present proceedings. Hence, the matter posted for hearing on 08-02-2022 for formal closure.

6. During the hearing held on 08-02-2022 wherein the matter was listed for formal closure, Tvl. Rahul Balaji, S.P. Parthasarathy and Shiva Krishnamurthy, Advocates appeared for the Generators / stakeholders and Thiru S.J. Mohamed Sathik, Advocate appeared on behalf of the Principal Secretary to Government, Energy Department, Government of Tamil Nadu and all sides were informed of the issue of fresh regulations.

### **ORDER**

In the result, nothing survives in the S.M.P. No. 1 of 2021 and accordingly it is closed.

(Sd.....)  
**(R.Jarard Kishore)**  
Member

(Sd.....)  
**(K.Venkatasamy)**  
Member (Legal)

(Sd.....)  
**(M.Chandrasekar)**  
Chairman

/True Copy /

Secretary  
Tamil Nadu Electricity  
Regulatory Commission