

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
and

Thiru.S.Nagalsamy Member

M.P. No.10 of 2012

Tamil Nadu Generation and Distribution
Corporation Limited
144, Anna Salai
Chennai – 600 002.

..... Petitioner
(Thiru N.C.Ramesh,
Senior Advocate for
Thiru Vinodh Pandian
Advocate for Petitioner)

Nil Vs Respondent

Date of hearing : 10-07-2012

Date of order : 28-09-2012

The above M.P.No.10 of 2012 came up for final hearing on 10-07-2012 at the Institute of Engineers Building, Chepauk, Chennai–600 005. The following advocates filed Vakalat on behalf of their clients and made their submissions:-

- (1) Thiru R.S.Pandiyaraj, Advocate for M/s.Premier Fine Linen Pvt. Ltd. and M/s.Orchid Chemicals and Pharmaceuticals.
- (2) Thiru Rahul Balaji, Advocate for M/s.Premier Mills Pvt. Ltd and Indian Wind Power Association.

- (3) Thiru Arun Anbumani, Advocate for M/s.Brakes India Ltd., M/s.Rajave Textiles (P) Ltd. and M/s.Madras Engineering Industries Pvt. Ltd.
- (4) Thiru K.Seshadri, Advocate for M/s.Sree Lakshmi Group of Companies.
- (5) Thiru. Sathya Ganesh, Advocate for M/s.Rane Group of Companies.

The Commission upon hearing the submissions of the Advocates, the submissions made by Thiru. K.Venkatachalam, Chief Advisor, M/s.Tamil Nadu Spinning Mills, Thiru V.Rengarajan, Secretary, SIMA, Thiru Ilango, Vice-President, Tamil Nadu Electricity Consumers' Association, Thiru R.P.Sudhakar, Executive, M/s.Brakes India Limited, Thiru V.K.Krishnan, Executive, IWAA, Thiru S.Gandhi, President, Power Engineers' Society of Tamil Nadu and other stakeholders and upon perusing the connected records passes the following-

ORDER

1) Prayer in the Petition:-

The Petitioner has prayed for the following relief:

- i) to approve and ratify to permit TANGEDCO to continue with the introduction of power holiday with effect from 1.03.2012;
- ii) to permit to impose the additional R & C measures as stipulated in memo dated 29.02.2012;
- iii) to approve the enforcement mechanisms as suggested in the petition and for faithful adoption of the measures by the consumers from 1.03.2012 and
- iv) to pass necessary amendments to regulation 5 (2) of the Tamil Nadu Electricity Supply Code.

2) Facts of the case

More than 600 Writ petitions were filed before the High Court of Madras challenging the orders issued by TANGEDCO in Memo No.CE/Comm/EE/DSM/F.Power Cut/D.No.48 of 2012 dated 29.2.2012. The said order imposed a ban on the drawal of third party power purchase and self generated wind mill energy during the period of power holidays and periods of load shedding. The said Memo was a sequel to issue of earlier Memo dated 25.2.2012 of TANGEDCO in which it had sought to implement certain R&C measures. In the proceedings before the High Court, the petitioners in the Writ Petitions sought to challenge the authority of TANGEDCO to pass the Memo dated 29-2-2012 and the standing counsel appearing for the TANGEDCO sought to place reliance on section 108 of the Electricity Act, 2003, clause 38 of the Tamil Nadu Electricity Distribution Code and clauses 7 and 14 of the order of the Central Electricity Regulatory Commission to justify the action of TANGEDCO. The same was opposed by the petitioner by contending that the provisions relied upon by the counsel for TANGEDCO do not empower them to do so. After lengthy arguments, the Hon'ble High Court in the above Writ Petitions has inter alia directed that the respondent (TANGEDCO) is at liberty to move the Regulatory Commission seeking appropriate orders imposing certain conditions on the High Tension industries and the application have to be filed within ten days from the date of the order. The list of Writ Petitioners filed before the Hon'ble High Court is annexed to this order. Relevant portion of the Hon'ble High Court of Madras in W.P.(MD) Nos.4314 to 4316 of 2012 and etc., dated 4.4.2012 is extracted below:-

- “(a) The respondents are at liberty to move the Regulatory Commission seeking appropriate orders imposing certain conditions on the high Tension Industries. The said applications have to be filed by the respondents within ten days from this date.*
- (b) On filing of the necessary applications by the respondents, the Tamil Nadu Electricity Regulatory Commission is at liberty to pass orders. In any event, the Commission is directed to pass orders within thirty days from the date of filing of such applications after necessarily following due process of law.*

- (c) *Till the final order is passed by the Tamil Nadu Electricity Regulatory Commission, the petitioners shall not consume or draw more power than what they purchase from the third party sources / self generating power / wind mill generation / C.P.P. / Banked units.*
- (d) *If the petitioners consume or draw more than the power purchased from the third party sources / self generating power / wind mill generation / C.P.P. / Banked units, the respondents are at liberty to take action against the concerned petitioners in accordance with their regulations.*
- (e) *The banking adjustments shall also be permitted in the same manner, as it was being done prior to the impugned proceedings dated 29.2.2012”*

Based on the above said orders of the Hon'ble High Court, the above said M.P.No.10 of 2012 came to be filed by TANGEDCO before this Commission. In the said petition, the petitioner submitted that there is a huge deficit in power position in the state due to widening of gap between demand and availability. A brief summary of the submissions made by the petitioner in the said petition is set out as follows:

1. That the demand-forecast indicated that there will be a net deficit to the extent of about 4000 MW during peak as well as day time upto June 2012.
2. That though demand has been growing as projected, there is delay in commissioning of some projects due to various factors.
3. That the petitioner has been implementing the R&C Measures in the State based on the approval already given by the Government of Tamil Nadu and orders issued by the Commission in M.P.No.42 of 2008
4. That even after implementation of the said R& C Measures, the deficit is in the range of 2500 MW to 3000 MW and the petitioner had to gear itself to face such unprecedented deficit.
5. That the petitioner has been taking various measure to solve the crisis so as to maintain and minimise load shedding and that consumers of various

categories have been protesting against the unscheduled load shedding and are insisting on scheduled powers and ensuring uninterrupted power supply during the rest of the period.

6. That considering the above situation, instructions were issued to its field engineers by way of Memo dated 25.2.2012 to implement the following measures from 27.2.2012 and 1.3.2012 respectively:

i) existing power cut of 20% for HT industrial and commercial services increased to 40%

ii) 90% cut on HT industries during peak hours (6 p.m. to 10.00 p.m) extended to HT Commercial

iii) Load shedding in Chennai and its suburban increased from 1 hour to 2 hours

iv) Introduction of power holiday to all HT, LTCT & LT industries for one day between Monday and Saturday on staggered basis. In addition, HT/EHT industries to declare Sunday as weekly holiday. During power holidays, the industries were permitted to draw power from grid to less than or equal to 10% of the quota demand/sanctioned/contracted load and energy for security and safety purpose, as the case may be.

v) That (i) and (ii) as seen in the above para are only a re-imposition of measures already introduced on 1-11-2008

vi) That in furtherance to the above measures cited in Memo dated 25.2.2012, additional measures were taken vide Memo No. 29.2.2012 as follows:

i) to fix the energy quota for a period 22 days instead of 30 days taking into account the 8 days power holidays and to limit the drawal of power during power holidays.

ii) Banking adjustment for HT consumers using windmill generation was withdrawn upto 31.3.2012 and balance energy will be paid as per the rules.

iii) HT Consumers were permitted to purchase third party/exchange power daily during day time, peak hours and night off peak hours but not during power holidays and load shedding period.

iv) HT consumers were permitted to wheel energy from wind mill/CPP during day time, peak hours and night off peak hours except power holidays and load shedding period.

7. That the Government of Tamil Nadu vide its letter dated 29.2.2012 ratified the action of the petitioner

8. That in order to operate the grid in a secured manner, the measures as discussed above warranted and that Commission may approve and ratify the actions of TANGEDCO.

3) Hearing held by the Commission

Consequent upon the directions of the High Court, it was decided by the Commission to hold a sitting at an appropriate place. As the court hall of the Commission was not sufficient to accommodate large number of writ petitioners, it was thought appropriate to hold a sitting at Institution of Engineers Building, Sivananda Salai, Chepauk, Chennai-600 005 on 10.7.2012 wherein the advocates represented the views of the writ petitioners and the TANGEDCO. Besides, the advocates some of the stakeholders also aired their views. Wide publicity regarding the date of hearing and venue of the hearing was given by paper publication in Tamil and English newspapers and was hosted in website of TANGEDCO and Commission. There was a good response to this hearing by the stakeholders.

4. The views expressed in written submissions of various organisations/individuals are set out here below:-

4.1. Tamil Nadu Spinning Mills Association

a) The Additional Restriction and Control measures were announced and attempted to be enforced by the petitioner primarily even without getting any formal approval from the Hon'ble Commission. The issuance of memo dated 29-02-2012 by the CE, Commercial has neither the knowledge of the Government nor has the approval by the Hon'ble Commission.

b) The delay in approaching the Hon'ble Commission for receiving approval has never been explained in the petition. The petitioner is fully aware that without the approval and valid order of the Hon'ble Commission nothing could be proceeded in the matter of implementing additional Restriction and Control measures. Having known well this fact, the petitioner ought to have approached the Hon'ble Commission first before issuing the Memos dated 25-02-2012 and 29-02-2012. But however, the petitioner has not bothered to approach the Hon'ble commission and issued the Memos on its own without any seriousness of the consequences and impacts that would flow from the contents of the Memo among the HT consumers who are already suffering due to high rate of power cut and interruptions for the past 4 years.

c) Nothing was proceeded on the direction whether Regulation 38 would be in consonance of section 23 of the Electricity Act, 2003 or it is violative of section 23 of the Electricity Act, 2003. Hence this is the high time to again revisit the issue in view of the abnormal continuance of R&C measures for more than 4 years in the State. Hence, the provision contained in regulation 38 of Tamil Nadu Electricity Distribution Code, 2004 needs to be amended/modified to that extent to bring consistency between Regulation and the principal Act.

d) The petitioner has filed a parallel petition assuring to withdraw all the R&C measures before 30-6-2012 and the Hon'ble Commission has also passed an order in MP 15 of 2011 on 22-3-2012 extending the R&C measures and however, not inclined to specify any date as requested by the

TANGEDCO knowing well it could never be withdrawn in the present scenario in the near future. On one side the petitioner wants to lift the R&C measures so instantaneously and on the other side it wants to intensify the R&C measures more stringent due to acute power shortage which strategy is something ridiculous.

- e) The following are the pre-conditions to enforce R&C measures –
 - a. there should be a specified period during which the R&C measures are proposed;
 - b. the Licensee can specify the manner and the period of restriction based on the instructions of the State Government; or
 - c. on the instructions of the Commission.

But, however, when every time the petitioner wants to implement any R&C measure, no period is mentioned and both the Government as well as the Commission have also not ordered the petitioner to mention the period in accordance with Regulation 38. When the R&C measures are sought to be approved under Regulation 38, the other part of the Regulation mandating to announce a period has not been followed by the petitioner in any manner.

- f) As far as the powers of the Government to provide any instruction in the matter of restriction of Electricity, the principal Act of Electricity Act, 2003 by its section 23 has not provided any such powers to the Government. The section of law has provided power only to the Commission and therefore, the Commission may not delegate this power to anyone including Government, as then it would be violative of section 23 of the Electricity Act, 2003.

- g) As far as section 108 of the Electricity Act, 2003 only on policy related matters involving large public interest, the State Government may give such directions in the discharge of the functions of the State Commission. Hence, it is an affair between the State Government and the State Commission and therefore getting an approval or ratification from Government cannot empower the licensee to announce such R&C measures on its own without the approval of the State Commission.

h) The following are the actual Additional R&C measures imposed through the Memo dated 25-2-2012.

- a. Forced one day power holiday by rotation for each region from Monday to Saturday.
- b. Forced power holiday on all Sundays for HT industries alone.
- c. Enhanced excess levy charges.

All the above 3 areas are new and not covered by the earlier R&C order approval by Hon'ble Commission in MP 42 of 2008 dated. 28.11.2008. When and where the approval was granted already for the above 3 items earlier by the Commission is a matter to be established by the petitioner alone.

i) The banking adjustment for wind energy was abruptly withdrawn with no approval from Hon'ble Commission when the Order No.1 of 2009 dated 20-3-2009 of the Hon'ble Commission was in full force.

No purchase of third party / exchange power was made possible for power holidays and load shedding periods.

The wind / CPP power could not be wheeled during power holidays and load shedding periods.

The petitioner has unilaterally ordered to withdraw the banking period on his own when it is not vested with any such authority by any law. Any restriction on usage of electricity under regulation 38 is to the extent of the electricity supplied by the licensee and not on the electricity sourced from any other agencies towards which the licensee is not the owner or control. Windmill wheeling and CPP wheeling are matters already regulated by the orders made on MP 42 of 2008 dated 28-11-2008 and therefore any changes enforced against the letter and spirit of the orders dated 28-11-2008 are nothing but a willful violation but also an action of contempt for disobeying the orders of the Hon'ble Commission and needs to be dealt with under section 146 of the Electricity Act, 2003 read with section 24 (1)(c) by an order of contempt and an order for suspension of the license.

j) Any Restriction and Control measure could become enforceable only with the electricity owned and supplied by the petitioner / licensee and not

with the electricity owned or sourced by the consumer directly either through their CPPs including wind mills or through exchange power under Open Access Regulations except by such limitations as provided under the relevant Regulations.

k) The petitioner has greatly erred in bringing these restrictions by not permitting to use the power which was in the banking account of windmill captive consumers and thereby the petitioner has trespassed the available jurisdiction under all relevant laws. The banked wind power as well as the normal generated wind power through the captive wind mills is the power belonging to the consumers owning such wind mills and therefore the consumption of the same cannot be curtailed in any manner and that too when the Order No. 1 of 2009 dated 20-03-2009 is in full force.

l) As per the orders in MP 48 of 2008 dated 28-11-2008, the TANGEDCO supply and captive supply have to be segregated for the purpose of determination of the demand and energy quota. Further, power cut needs to be enforced only with reference to the TANGEDCO segment of demand and energy supply and captive consumers have to be permitted to avail the entire demand and energy supply by the captive generation. The attempt of the petitioner to alter this position is again a willful disobedience of the order of the Commission.

m) The petitioner is nothing but a Distribution Licensee and therefore all its actions should be within the ambit of powers and functions as granted to the Distribution Licensee. Any action beyond the scope of the provisions of Electricity Act, 2003 needs to be controlled and curtailed in appropriate manner as the petitioner has over acted by issuing the Memos dated 25-02-2012 and 29-02-2012.

n) The CE Commercial has calculated the power drawn only to the extent of energy sourced from third party / IEX and however not accounted the actual energy available at the banking accounts of the consumers including current wind mill generation at that point of time. When this discrepancy was

pointed out, the Hon'ble High Court has rejected the plea of over drawal and therefore there was no overdrawal case really cited anywhere at any point.

o) TANGEDCO has issued haphazard instructions and thereby the entire matter was confused to the core. Neither the circle level SEs are able to enforce anything nor the consumers are able to follow anything on the ABT, meter related issues. As the ABT meter compliance is now referred for decision before the Hon'ble Commission by a common Order dated 26-4-2012 of the Hon'ble High Court this could be dealt with separately.

p) In the camouflage of ABT meter compliance and restricted the consumer to buy power through Third party / IEX sources to the extent possible for reasons best known to them and thereby harassed all the HT consumers who wanted to buy power from Third Parties and IEX sources.

q) The matters of power holiday and that too for two days for HT industries, Additional Load shedding periods, the ban to make use of banked wind power, the ban to use OA power during power holidays and load shedding periods and the ban to use wind power/CPP power during power holidays and load shedding periods are the new restrictions proposed by the petitioner which cannot be implemented without the approval of the Hon'ble Commission.

r) The petition filed by TANGEDCO lost its validity due to paucity of time. What was relevant during the month of February, March 2012 is not relevant in May / June 2012 as the wind season has already started, the scenario has fully changed which does not warrant either power holiday or any other Additional R&C measures.

s) Open Access power is a privileged power as per the Regulations of Hon'ble Commission as declared in both Intra-State and Inter-State Open Access Regulation and therefore any attempt to cut the privilege would mean to violate the Regulatory provisions and therefore TANGEDCO may be directed properly not to interfere with the Open Access Power.

t) The instruction not to consume the banked energy during the month of March 2012 as contained in Memo dated 29-2-2012 is unilateral instruction and arbitrary and is nothing but an instruction against the back of the Commission while the Order No. 1 of 2009 dated 20-3-2009 is in force.

u) TANGEDCO has to provide detailed workings and if necessary the percentage of power cut from 40% to any required percentage can be increased depending upon the available power and without taking the wind captive power, CPP power, third party power and IEX power as such powers are not relevant to decide the percentage of power cut. What TANGEDCO can do is only with the power available with it and not with any other power which could be sourced otherwise.

v) The rate of power cut and load shedding may be ordered to be implemented to all sections of consumers in a more equitable way as already ordered in para 13 of MP No. 42 of 2008 dated 28-11-2008 which was again reiterated in MP No. 15 of 2011 dated 22-3-2012. However till today there is un-equitable distribution of power is going on without minding the instructions issued by the Commission.

w) The unscheduled load shedding periods were found extended from 10^{1/2} to 11 hrs. every day, during the months of March / April 2012 and however there was no official announcement on such unscheduled shedding implemented in several spells in a day. These kinds of unscheduled load shedding may be ordered to be avoided to the maximum extent. Instead, even the power cut percentage could be increased.

x) When the consumers were not allowed to use power during two power holidays in a week, the energy and demand charges also need to be calculated on 22 days basis and not on 30 days basis.

The wind season has already started and therefore TANGEDCO may be directed to withdraw the power holiday as notified in Memo dated

25-02-2012. Even if there is no power, implementation of power holiday is bad in law.

y) The need to buy power from third party / IEX sources arises only on the default of TANGEDCO to supply required power to the extent of contracted demand and hence that system may not be disturbed in any manner as it is regulated through Open Access Regulations.

z) While issuing NOC for getting approval from SLDC, the circle level SEs are insisting to make payment of certain dues which are stayed statutorily by way of court orders / TNERC Orders. As the matters are subjudice and seized before concerned legal forums, insisting to make payment, for getting NOC, amounts to contempt of such proceedings.

aa) The fault of consuming less power is only due to announced and unannounced load shedding during the restricted hours. On one side, consumer is already injecting the units by outside power either through wind/IEX/Third party and on the other side he is not able to consume the power so injected due to load shedding enforced. In such event, if load shedding is found enforced no penalty in the form of excess demand charges should be levied.

ab) Only higher percentage of power cut would become a correct monitoring exercise and announcing and implementing higher load shedding periods would only allow TANGEDCO to unnecessarily enrich itself on others money without energy being supplied actually.

ac) The system of power holiday needs to be totally rescinded as it amounts to collection of MD charges without actually supplying energy and this is the latest innovation of TANGEDCO to increase the revenue within the actual sale.

ad) On the one hand the wind mills used to generate and inject power to the grid as such during power holidays and load shedding periods and on the

other side the captive consumer is not permitted to consume its own wind energy. Hence there is no rationale behind such instructions

ae) Increased excess demand and energy charges as proposed by the TANGEDCO are null and void, unless suitable amendments are made in the Tamil Nadu Electricity Supply code, 2004.

af) Any penalty or excess demand charges applied by the Commission may be ordered to be effective from the date of the order and not from retrospective date as already ordered in para 42 of MP 42 of 2008 dt. 28-11-2008.

ag) Seeking ratification amounts to temporary assumption of powers of the Commission and such a prayer is not maintainable in law.

ah) The system of banking adjustment for wind mill captive consumers is duly authorized by Order No.3 of 2006 dated 15-5-2006 and Order No.1 of 2009 dated 20-3-2009 and also permitted by the High Court. In the prayer of TANGEDCO to the above is allowed, it amounts to altering the orders of the High Court and also to the extent of altering the orders of this Hon'ble Commission

ai) Hon'ble High Court permitted to consume power what they have sourced from Third party / self generating power / wind mill generation / CPP / banked units during power holidays and load shedding period. TANGEDCO also permitted the above concession to all consumers whether they filed WP or not. Having permitted the above arrangement, now seeking to impose additional Restriction & Control measures is not correct and shows the double standard.

4.2. Murugappa Morgan Thermal Ceramics Ltd.

1. The Restriction and Control measures are illegal, unconstitutional without authority of law and jurisdiction violative of principles of natural justice, discriminatory and opposed to section 23 of the E. Act 2003 (under which only this Commission has authority to impose R&C measures).

2. Regulation 38 cannot override the provisions of section 23 of E. Act 2003. In any event, regulation 38 cannot be used to regulate purchase and use of power through the Open Access system. Therefore, even the imposition of power holidays and load shedding can only apply to power generated and distributed by the distribution licensee and not in respect of power availed through Open Access. This is why, this Commission has framed separate regulations in respect of purchase of power through Open Access. It is relevant to note that both this Commission and Hon'ble APTEL have held that the R&C measures are within the purview of the Appropriate Commission.

3. The present petition filed by TANGEDCO imposing additional R&C measures, claims that these are an extension and re-imposition of measures already introduced on 01-11-2008. This is totally unjustifiable and cannot be termed as an extension / re-imposition.

4. In a similar petition filed by TANGEDCO in the year 2008, this Hon'ble Commission observed that the licensee should approach/consult the government through this Hon'ble Commission for imposing R&C measures or any related issues. In the present petition by TANGEDCO for the same cause it appears that TANGEDCO has deviated from the Order passed by this Hon'ble Commission in 2008 and issued the said Memos dated 25-02-2012 and 29-02-2012 without the approval of this Hon'ble Commission. This is in clear violation of the Order passed in the M.P. No. 42 of 2008.

5. TANGEDCO submitted certain approval letter issued by Department of Energy vide its letter dated 29-02-2012 to justify the imposition of R&C Measure by TANGEDCO. This letter is illegal and without any authority of law. Firstly, the letter is only ratification. Secondly, the letter is a

communication that it ratifies the decision taken by TANGEDCO to impose Restriction and Control measures, as suggested in TANGEDCO's letter dated 20-02-2012 and Press Release dated 25-02-2012. Thirdly, the said letter appears to ratify three types of Restriction and Control measures which are

- a. Declaring one day in the week as Power Holiday
- b. Declaring Sunday as Power Holiday
- c. Load Shedding could be enforced.

Neither the Act nor the Tamil Nadu Electricity Distribution Code contemplates any process of ratification. In any case, even the said letter does not impose any restrictions on consumers to operate with the aid of power from sources other than from TANGEDCO.

6. If CPP consumers are not allowed to draw power during power holidays/load shedding period, the power so generated by CPP is neither adjusted not compensated by TANGEDCO for the loss of unused power.

1. Despite getting uninterrupted power supply from CPP, the HT consumers are not in a position to consume power for its maximum demand.
2. The very purpose of Open Access system gets defeated.

7. TANGEDCO cannot restrict the Open Access System of power purchase during any time, especially during power holidays and load shedding period. It is against the interest of HT consumers and also against the provisions of Orders of this Hon'ble Commission and Hon'ble APTEL.

8. In the event, the Commission chooses to approve the power holiday as suggested by TANGEDCO in its Petition, the demand charges shall be proportionately reduced to those days in a month where the HT Consumers actually consumes the CPP power.

9. TANGEDCO have stated that they have obtained the approval / sanction of the Government of Tamil Nadu for imposing load shedding. The said approval is illegal. In any event, the approval so obtained is only for 2 hrs for Chennai and 4 hrs for areas other than Chennai, whereas in reality the load shedding exceeds the said approved hours. In any event, the said load shedding is without the sanction of this Hon'ble Commission.

10. The penal provision recommended by TANGEDCO is inappropriate and not proportionate to the violations mentioned in the Petition. It is further stated that the penal provisions, as prayed by TANGEDCO, would lead to breach of fundamental rights guaranteed under the Constitution of India and principles of natural justice. It is further submitted that:

The penal provisions duly sanctioned and approved by this Hon'ble Commission vide its Order passed in M.P. No. 42 of 2008 holds good for the present situation also.

11. Adopting two types of penalty one for the ordinary consumers and another for the Open Access consumers during power holidays and load shedding period is unreasonable and discriminatory in nature.

1. The Hon'ble Commission in R.P. No.2 of 2008 dated 24-12-2008 in Para 3.6 held that the disconnection of electricity supply for violation of R&C measures imposed by the distribution licensee is not tenable in law.

12. Imposition of Power Holidays and restrictions on the consumers from utilizing power from other sources is clearly without jurisdiction. We, being the HT consumer drawing power from Captive Power Plant (CPP), respectfully pray that the R&C measures proposed by TANGEDCO shall not be imposed as it would adversely affect the CPP as well as the HT consumer.

4.3. Corborundum Universal Limited

a) The act of TANGEDCO in imposing Additional Restriction and Control Measures is illegal, unconstitutional without authority of law and jurisdiction violative of principles of natural justice, discriminatory and opposed to section 23 of the Electricity Act 2003.

b) Regulation 38 cannot override the provisions of section 23 of E. Act 2003. In any event, regulation 38 cannot be used to regulate purchase and use of power through the Open Access system. Therefore, even the imposition of power holidays and load shedding can only apply to power generated and distributed by the distribution licensee and not in respect of power availed through Open Access. This is why, this Commission has framed separate regulations in respect of purchase of power through Open Access.

c) The present petition filed by TANGEDCO imposing additional R&C measures, claims that these are an extension and re-imposition of measures already introduced on 01-11-2008. This is totally unjustifiable and cannot be termed as an extension / re-imposition.

d) The Hon'ble APTEL has pointed out two important aspects, namely, to encourage open access in transmission and distribution so that the consumers could arrange power at this critical power situation and the Commission was directed to obtain the TANGEDCO's Comprehensive proposal in managing the power situation that too within a period of 6 months. Even after nearly 1^{1/2} years, TANGEDCO has not come out with a concrete proposal except by way of filing a petition in M.P. No. 15 of 2011 for lifting of R&C measures from June 2012. If TANGEDCO had submitted its comprehensive plan within a period of 6 months from January 2011, many steps would have been taken to resolve the power issues both by the utilities as well as by the HT consumers. Having failed, TANGEDCO cannot restrict the Open Access System of power purchase during any time, especially during power holidays and load shedding period. It is against the interest of

HT consumers and also against the provisions of Orders of this Hon'ble Commission and Hon'ble APTEL.

e) The penal provisions duly sanctioned and approved by this Hon'ble Commission vide its Order passed in M.P. No. 42 of 2008 holds good for the present situation also.

f) Adopting two types of penalty one for the ordinary consumers and another for the Open Access consumers during power holidays and load shedding period is unreasonable and discriminatory in nature.

The Hon'ble Commission in R.P. No.2 of 2008 dated 24-12-2008 in Para 3.6 held that the disconnection of electricity supply for violation of R&C measures imposed by the distribution licensee is not tenable in law.

g) Imposition of Power Holidays and restrictions on the consumers from utilizing power from other sources is clearly without jurisdiction. We, being the HT consumer drawing power from Captive Power Plant (CPP), respectfully pray that the R&C measures proposed by TANGEDCO shall not be imposed as it would adversely affect the CPP as well as the HT consumer.

4.4.South India Spinners Association

a) Peak hour restriction is in force since 2008 for HT industrial consumers and the petitioner seems to have no solution in the immediate future. Petitioner should ensure power supply during peak hour.

Equal sharing of power shortage among various regions and categories of electricity consumers and uniform enforcement of R&C Measures is not being implemented by petitioner except for HT Industrial consumers.

b) Some consumers such as Multi National companies (MNC) and other categories are being supplied uninterrupted power on subsidized cost. But domestic industries are being burdened by a huge tariff revision along with power cut and R&C measures such as Power Holidays etc.

c) Already penal charges are in force that can be extended to other violations if necessary.

The petitioner has implemented two power holidays in a week, peak hour restriction and 40% power cut for HT industrial consumers crippling the entire industry.

d) The petitioner has implemented the additional R&C measures vide letter no CE/Comml/EE/DSM/F.Power Cut/D.39/2012 dated 25-02-2012, (copy enclosed for your reference) without getting due permission from the commission, which is a basic requirement. After the consumers approached the High Court to get relief and under the direction of the High Court petitioner has approached the commission.

e) When the Restriction and Control measures were imposed vide letter no. SE/CEDC/M/AEE/GL/F. Quota Demand/2008 dated 31-10-2008 and letter no. SE/CEDC/M/Cbe/AEE/GL/AE.GL/F. Load Shed/D. 768/08 dated 08-10-2008 (copies enclosed for your reference) Petitioner has stated that it will refund 1/6 Maximum Demand (MD) charges for peak hour restriction, but it is not found in the petition.

f) Severe penalty proposed to be imposed on the consumers for any violation to the extent of disconnection of the service. This shows the harsh approach by the petitioner to the consumer. A service can be disconnected only if the consumers default in payment of Current Consumption charges.

g) The petitioner has proposed a heavy penalty for violation of revised R&C measures. This shows the petitioner's high handed approach and the consumers at the receiving end.

4.5. Indian Wind Power Association

a) The banking system was introduced to expedite the growth of the wind energy development. This was a solemn and protective assurance given by Tamil Nadu Government, Tamil Nadu Energy Development Agency and Tamil

Nadu Electricity Board, Investment to the tune of above Rs. 42,000 crore has been made. TANGEDCO shall honour the assurance and commitments given by it through several circulars, orders and agreements and we pray the Commission to direct TANGEDCO to stand on its commitment and assurance.

b) The TANGEDCO's statement that wind energy cannot be stored is not correct. The generator energy is utilized immediately and is not wasted. Wastage of generated energy happens only when backing down of wind mill is ordered during windy season inspite of "Must Run Status", being granted to WEGs.

c) It could be possible that it generates electricity when captive user does not require it. In such a case energy generator banks it with distribution licensee who supplies this energy to its consumers at applicable tariff. However, for returning the banked energy, Licensee may have to procure additional electricity from other sources. Unlike the Banks which pay interest to saving account holder, here the licensee, banker of electrical energy, earns interest on this banked energy. Thus banking rate electrical energy should be nominal.

d) TANGEDCO has sought TNERC approval to withdraw the banking facility for wind mills who are not able to comply injection schedule and drawal schedule. It is known fact that, power generation of wind mills cannot be predicted at all. Hence, it is impossible to give injection schedule.

e) An absolute withdrawal of banking system will make the existing investments unviable as the investors will have to use TNEB/DG power in lean months and will have to let excess generation lapse, thus resulting in financial loss. This will also be a deterrent to companies who has already made huge investments in Windmills and continuously making further investments to contribute to the renewable energy drive.

f) In order to encourage private participation in renewable energy, such incentives that are in the control of TANGEDCO needs to be continued for increasing the environmental responsibility of the country.

g) If the current system is also withdrawn, investors who have already invested in windmills will stand to be penalized. This will be against the objective of the national electricity policy.

h) Banking facility is very essential for captive consumers, as private player have invested huge amount of money in order to produce their own energy by renewable energy. This not only reduces the burden of the state electricity board to supply electricity, but also reduces the carbon footprint of the state. Private players like our members have invested such huge amount of money based on the policies laid out by TNERC and TNEB and with agreement entered into with TNEB. These incentives which are agreed upon cannot be withdrawn all of a sudden, leaving the investors in great difficulty.

i) It is submitted before the Hon'ble Commission that wind mill operators who have banked energy with TANGEDCO should not be denied usage of banked energy which is against the principles of natural justice.

j) Hence, it is impossible to give injection schedule. Hence asking a person to comply an impossible act is illegal which TNERC should not approve. It is prayed, the request of TANGEDCO is to be dismissed as it wants consumers to perform an impossible Act.

Captive Power Plants aggregate generation in a year 51% is to be consumed, withdrawal of "Banking" within same financial year is to deny benefit of captive generation adjustment granted under Electricity Rules.

k) Due to banking, TANGEDCO is benefited by way of getting 5% commission on banked energy and the banked energy during windy season i.e. June to September is sold by TANGEDCO in the same period to other consumers for which it obtains funds resulting in interest gain for TANGEDCO which has not been indicated by TANGEDCO. The power banked is only subsequently withdrawn for captive consumption within the same financial

year. Consumers do not have any objection for TANGEDCO imposing penalty on consumers drawing more than the banked units. But, for drawal of banked units within same financial year, there is no justification to levy excess demand and energy charges.

l) Even though CERC has issued instructions to schedule the energy generated as per the Open Access Guidelines, such system is applicable to thermal, hydro, biomass and solar modes of power generation where the generation can be predicted and controlled as per the directions of SLDC. Wind energy cannot be brought into this category of power generation since what is applicable to other methods of power generation cannot be insisted as it is for wind energy generation.

m) Wind energy generation is subject to wind availability and cannot be predicted. The wind flow does not follow any pattern. The wind mills are owned by small developers and they cannot have such sophisticated and highly technical system of energy management. Since the quantum of energy handled is not large.

n) It is submitted before the Hon'ble Commission to dismiss the prayer of TANGEDCO in para 14, as TANGEDCO proposal of imposing restrictions on power consumption is discriminatory in nature resulting in a higher power cut for consumers living in places other than Chennai and the suburbs.

o) Introducing power holiday and proportionate reduction in quota to 22 days amounts to double restriction instead the 40% cut. Moreover quota should be fixed considering both the wind generated power and that drawn from electricity board.

p) The Capacity of wind in the overall TN Grid is more than 10% which has made the management of Grid difficult. SLDC/TANGEDCO should have approached CERC or CEA for necessary relief because of peculiar situation or allow generator to sell power to other states.

4.6.Brakes India Limited

a) Investment in this field had been made by the Generators based on the assurances of the Government as well as policies framed by the Commission. Thus withdrawing a benefit to the renewable energy sector at this power crisis situation will result in discouraging the generators as well consumers which will ultimately stop any further investment and encouragement enjoyed. Also wind energy consumers are willing to abide by any regulations that may be passed by the Commission by due process of law.

b) Any penal provision should be made applicable only prospectively. Retrospective penalty should not be accepted.

4.7. OPG Power Generators

a) The generation by the private power generators—whether IPP or CPP—are monitored by virtue of ABT meters installed at the generator end. That is to say, without generation during any of the five time slots, sale and allocation by the generator to the third party consumer or captive consumer cannot be done during any month and, therefore, there is no question of any grid disturbance by the private generators when they sell power to third party or captive consumers. TNERC, therefore, may be pleased to allow the third party sale and captive consumption during power holiday.

b) The allocation is done by the generator to the consumers on billing parameters, that is, on a monthly basis at the end of the month and the same may please be allowed to be continued and there is no need to change over to monitoring on day basis/15 minutes block basis.

c) ABT meters could be installed at the consumer end as well and periodical, say, fortnightly review could be done of the consumption vis-à-vis generation.

d) The penalty position could be maintained as per order dt. 28-11-2008 in MP No. 42 of 2008.

e) Monthly Drawal Schedule slot-wise should be given before the beginning of the month by the Captive Wind consumers.

4.8. SAARAL Printers

a) This kind of implementing programmes has to be done after getting the legal permission from Tamil Nadu Electricity Regulatory Commission.

b) POWER HOLIDAY is to be strictly avoided. Because all the SUNDAYS in our Town will be Holiday.

c) We are working only 26 days a month. Now your final report for this MP No. 10 of 2012 petition will reduce my working days to 22 days per month.

4.9. Indian Wind Energy Association

a) Clause 38 of the Distribution Code of TNERC as well as section 23 of EA 2003, based on which the present petition is filed requires prior approval of the Hon'ble Commission before imposition of the any regulation measures.

b) The submission of TANGEDCO that the Government of Tamil Nadu vide its letter dated 29-2-2012 ratified the action of the petitioner for having implemented the measures, has no relevance since the powers vested under the section 23 of Act cannot be revested / transferred to State Government and it is the entirely within the jurisdiction and discretion of Hon'ble Commission whether to approve the measures for restriction/control of power supply within the State. Wind Energy has supported TNEB to tide over energy crisis. Thus we request the Hon'ble Commission that the present Banking provision may be continued.

c) Under section 23 of the Act, it is for the appropriate Commission to make an order for equitable distribution of electricity and promotion of competition. The State Government has no power under this section.

d) The concept of Banking for period of one year in case of wind energy wheeling transactions has been approved by Hon'ble Commission vide its Wind Tariff Order dated March 20, 2009 (Order No. 1/2009). Based on the said Wind Tariff Order, long term Banking and wheeling agreements for period of 20 years have been entered into by various wind power generators/captive users. Further, the said Order of the Commission has been extended upto June 2012 (vide Order No.4/2011 dated 15-12-2011)

e) Withdrawal of Banking provisions as proposed by TANGEDCO vide this petition (MP No.10 of 2012) tantamount to seeking review of the said orders of the Hon'ble Commission. TANGEDCO has neither sought any relief for condonation of delay nor filed any grounds for seeking review of the said Orders of the hon'ble Commission.

f) On the other hand, if relief is granted to TANGEDCO on this count it would amount to great injustice to the Wind Developers and cause regulatory uncertainty for the wind developers who have relied on the Orders of the Hon'ble Commission and made investments in wind sector in Tamil Nadu based on such Wind Tariff Orders by Hon'ble Commission.

g) Banking is the promotional mechanism for renewable source of energy where electricity generation is linked to natural factors.

h) Banking acts as a promotional mechanism for renewable source of energy where electricity generation is linked to natural factors in case of variable generation source like wind energy. Thus doing away with banking mechanism or reducing it would not be tenable with the above Statutory and Regulatory framework. Therefore, the argument of TANGEDCO's contention that provision of banking is not covered in any Regulations is not correct.

i) States in India like Gujarat, Maharashtra, Rajasthan and Karnataka etc are also allowing banking for NCE sources in their States, albeit in varying proportion (viz. Monthly banking in Gujarat, six-monthly banking in Rajasthan, 12 month banking with TOD adjustment in Maharashtra etc.)

j) Generation from the wind projects depends on infirm nature of wind energy so it's to some extent unpredictable due to its dependence on nature. The generation curve varies during the day, while at the same time, consumption remains under the control of end consumer. For instance, wind generation is the highest during the monsoon months, whereas the consumption of the contracted Open Access consumer may not be commensurate to absorb the entire generation during the monsoon months. Banking Mechanism is commercial arrangement to address mismatch due to technical nature of infirm wind power. There is no gaming or any special advantage by virtue of allowing banking.

k) The Hon'ble Commission in its earlier Order dated November 28, 2008 in the matter of implementing Restriction and Control Measures on Petition 42/2008, had upheld the provision of banking of wind energy. In the said Order, after going through the Statistics of load shedding and wind generation during those period, the Hon'ble Commission had come to conclusion that provision of banked energy enabled erstwhile TNEB to ward off load shedding and power cut effectively. This has lead to conclude that by all account there is a strong case for preferential treatment for banking of wind energy. Withdrawing banking provision will further affect on the future wind capacity addition in the State which would further aggravate power shortage crisis in the State.

l) In absence of banking the violations are bound to happen as the generation is not in control of either generator or consumer. Thus with such blanket withdrawal of Banking facility and penal provisions, all the wind projects for captive or third party use would be shut down leaving the assets stranded and wasting the natural resource. We request Hon'ble Commission not to impose such penalty provision at this point of time whereby further RE generation in the State could be encouraged rather than discouraging them by adding such penal provisions.

m) As regards computation of excess demand/excess energy consumption in respect of captive wind energy wheeling transactions if decided in favour of TANGEDCO it should be collected only with effect from date of issuance of the Order dated 28-12-2011 as against the Commission's ruling which has made it effective from the date of issuance of clarification by TANGEDCO (i.e. 25-06-2010). We request Hon'ble Commission to take into account above judgment of Hon'ble ATE granting stay on above Order, before deciding to admit this Petition (MP No. 10 of 2012) filed by TANGEDCO.

4.10. Tamilnadu Electricity Consumers Association

a) In our opinion, the SLDC is the right authority to plead the cases for enhancing the 'Restriction and Control' measures, as it is managing the entire grid and also coordinates with SRLDC to provide uninterrupted and quality power to load centers. And SLDC is as at present is working under TANTRANSCO, likely to become an independent entity under TNEB Ltd. anyway it is only a minor matter in this petition.

b) In para 1 of MP No. 10, TANGEDCO has admitted knowingly that the present 'Restriction and Control' measures have been approved by the Commission, after due processes. How then TANGEDCO has imposed additional restrictions and penalty thereof, without petitioning the TNERC and seeking its approval as has been done before, is not clear to the affected consumers, who did have only legal recourse to stay this.

c) Consumers, particularly those who are ready to pay a tariff which reflects efficient costs have the right to get uninterrupted 24 hours supply of quality power. Actual level of retail sales should be grossed up by normative level of T&D losses as indicated in MYT trajectory for allowing power purchase cost subject to justifiable power purchase mix variation (for example, more energy may be purchased from thermal generation in the event of poor rainfall) and fuel surcharge adjustment as per regulations of SERC. There is no justification for denial of Open Access to genuine consumers. The restriction to Open Access is being resorted to by some

power surplus State Electricity Discoms to deny access to cheaper power to their large consumers.

- d) Open Access may be permitted on deposit of the value of ABT meter by the Consumer. TANGEDCO may install it on availability.
- e) The revised restriction and control measures presented below will have to be at the 33 KV substations' level or 22/11 KV feeder level, the responsibility for which will lie with TANGEDCO totally.

All the 22/11/ feeders (excluding the metro and city feeders for each district) must be classified under various categories on the following criteria.

- For each feeder the peak and average load over 24 hours must be assessed and a ratio of the average load to peak load is taken for ranking the feeders. The ratio will always be less than one and the least value of this ratio indicates lower load density, made up of small energy consumers in large numbers, while the highest (almost equal to unity) is made of concentrated variety.

f) For each feeder, the revenue earned per 100 KVA of connected distribution transformer capacity in the feeder must be identified. The higher value of revenue earned per 100 KVA of connected load indicates more of tariff paying consumers, while the least indicated that subsidized or free supply consumers are dominant. For this purpose, express 22/11 KV feeders emanating from the 33/2/1 KV stations also must be considered.

g) For each feeder, the loss factor percentage must be assessed, which is equal to the difference between the energy input into the feeder and the energy billed, divided by energy input. The difference will include the incident technical line loss, the total of unmetered agricultural consumption and hut connections, besides other 'meters not read' (unmeasured) consumers and illegal abstraction that might have taken place.

h) For each feeder, the feeder connected load and the feeder service area in KM^2 must also be estimated. The ratio will give a picture of sparse to

heavy loads on the feeder. This will exclude the express feeders, as they feed only one consumer of large connected load.

i) For each feeder the number of consumers connected to the feeder must be assessed to ensure that minimum number of consumers is affected during the load shedding period.

j) For Metro and City feeders, the possible factors to be identified in these cases are

1. Number of domestic consumers connected to the feeder (from the smallest number to largest number in each feeder).
2. Number of commercial consumers connected to the feeder (from the smallest number to largest number in each feeder)
3. Revenue earned per 100 KVA of connected transformer capacity (from the smallest amount to largest in each feeder)
4. Ratio of average to peak load of the feeder (from the largest number to smallest number in each feeder)

k) If it becomes imminent, the 33 KV substations can also be segmented in the manner described above. Depending the need of power shedding, the feeders or substations themselves can be switched off.

l) TNERC should also consider the power belongs to the people of Tamil Nadu and the shortage should be shared equitably by all.

m) Section 62(3) partially specify that no discrimination can be allowed either in making available the power or its tariff based on geographical location. Section 23 of the Act, 2003 categorically states that in the case of shortage in availability of power, equitable distribution among all consumers must be resorted to. Further, section 24 provides for even revoking the distribution licence for habitual delinquency in this regard.

m) If TANGEDCO would like to appropriate the entire capacity of the inter-state power transmission capacity during months of acute power shortage, it

should offer a scheme similar to the Reliability power it offered in 2010. (Paras 10.0 (I) and (XI)).

4.11. P. Selvaraj

a) TANGEDCO memo does not mention the period upto when the order will be in force. Though memo has been ratified by Government, this cannot be taken as an instruction. Hence, the order is issued without authority and the memo needs to be struck down.

b) With regard to Memo No. CE/Comm/EE/DSM/F.Power cut/D. 48/12 dt. 29-2-2012, also has neither specified the period nor has been instructed by Government or the Commission.

c) Declaration of holiday is under Labour Act and not under Electricity Act.

d) TANGEDCO should have restricted itself to the CE/Comm/EE/DSM/F. Power cut/D.39/2012 dt. 25-2-2012 with respect to load shedding of just 2/4 hrs, whereas load shedding is up to 10 hrs/day.

e) There are many of practical problems in power holiday (i.e. long duration load shedding of 24 hrs).

1. Due to long duration, the consumer need to have in house generator upto 120% of sanctioned demand.
2. It is difficult to equip with in house generator at such short notice "ie" immediately due to (a) non availability (b) Financial constrain (c) Location and safety aspects, (d) clearance from statutory authorities etc.
3. All industries does not have technology to install & operate Generator sets.
4. Due to low margins the industries operate – the cost of diesel does not permit operation of generators.
5. Availability of labour also create problem for allowing compulsory holiday.
6. these generators will be idle during rest of the time.

The relief from power holiday is just 250 MW only ("ie" hardly 2.5%)

f) As TANGEDCO till date has not implemented power holiday 100% by issuing notice to consumers who have violated as TANGEDCO does not have adequate field officials.

g) Enforcement mechanism of levy of excess demand and energy charges shall have prospective effect from the date of commission order.

4.12. V. Ramakrishnan, Advocate

a) The petitioner is trying to curtail the usage of third party/self generated power of the consumer, which cannot have the sanction of law.

b) It is not feasible for the consumers to utilize the wind mill generated electricity instantaneously, whereas the same can be only banked and utilized.

c) Deemed demand calculation is arrived by TANGEDCO from the consumption of units, but it also depends on hours of utilization, hence the present demand quota restriction is a fallacy.

d) Installation of ABT meter will not facilitate the consumer for utilizing the wind mill generated electricity, since the generation and utilization will not timely match each other. The averaging period as to generation and utilization should be for a longer period.

e) The restriction on usage of self generated / third party i.e. wind mill, will result only in crippling the non-conventional energy production in the state and further increase shortage of electricity.

f) The procedure as to levy of penalty is without any sanction of law.

g) Under section 23 of the Electricity Act 2003, the appropriate commission is to ensure the efficient supply and equitable distribution of electricity is made to the consumer and thereby the electricity purchased / generated has to be supplied by the distributor i.e. TANGEDCO to the consumer for consumption, to which they are entitled as a right of ownership to the energy.

h) Under section 42 of the Electricity Act 2003, the appropriate commission has a bounden duty to promote open access amongst consumers, which should be non-discriminatory open access. TANGEDCO as a distribution licensee, supplying electricity on surcharge to the consumers has no right to curtail the supply of electricity to consumer which has derived from third party/self generated source by the consumer themselves.

i) Any act of TANGEDCO for curtailing the usage of electricity of the HT / LT consumers derived from the self generated / third party sources amount to violation of the rights of consumers under Electricity Act 2003. The TNERC should not endorse such illegality by an order of approval to the M.P. 10 of 2012.

j) The State Commission may also take measure to encourage open access in transmission and distribution so that the consumers could arrange power directly to meet their demands.

k) Any approval of TNERC in MP No. 10 of 2012 affecting the rights and interest of the consumers in the usage of self generated / third party power shall be a violation of safe guards under Article 14 of the constitution.

l) In the absence of any provision under the Electricity Act 2003 for the curtailment of usage self generated / third party power by the consumers, any restriction as suggested by TANGEDCO in the present petition is violative of the provision of Article 19 (1) (g) of the Constitution of India.

m) The curtailment of usage of self generated/third party power by the consumers is not a reasonable restriction as envisaged under of Article. 19 (6) of the Constitution.

n) The electricity self generated and purchased from third party are deemed to be property acquired by the consumers. The curtailment of usage of self generated/third party power by the consumers shall amount to deprivation of their property without sanction of law as contemplated under Article 300 A of the Constitution.

o) Due to improper and curtailment of supply of electricity by TANGEDCO, the HT/LT consumer have chosen to get the supply through open access. If the same is also to be curtailed by an order of this Commission, it shall affect the industrial production, which shall ultimately lead to economic crisis in the state.

4.13. Thiru D.S. Hanumantha Rao, former Member, TNERC

a) I do not see any sensible approach in power holiday and withdrawal of banking of power. I do approve that the state grid should not be jolted at any cost.

b) To establish a new, disciplined and specified protocol. This protocol must be approved, based on certain objectives, orderly and intensely monitored by the TNERC and above all make available continuous uninterrupted power supply for most of the hours of the day and night, irrespective of enforced power cut. In case of any violation by TANGEDCO, the consumers must be empowered to complaint to the Commission for adequate compensation – equivalent to “the cost of not having power when needed” or alternatively the avoided cost of purchase of power by the affected parties.

c) It can be deduced that any penalty for exceeding the limit of consumption must not unduly affect the power supplier or the consumer. To enable this, this Commission can appoint an ‘independent ombudsman’ or

adjudicating authority in each circle, who will take up the complaints and report to the Commission for Redressal.

d) It is imperative that a pragmatic and disciplined protocol is developed for continuing the present restriction and control measures, so that systematically, it can be ensured that the shortage and continuity of power supply are shared among all consumers and at the same time the protocol ensures that the financial integrity of TANGEDCO is maintained to a large extent and the T&D loss is also contained.

e) Action on the part of TANGEDCO:

1. The revised restriction and control measures presented below will be at the 22/11 KV feeder level, the responsibility for which will lie with TANGEDCO totally.

2. All the 22/11 feeders (excluding the metro and city feeders for each district must be classified under various categories on the following criteria.

- For each feeder the peak and average load over 24 hours must be assessed and a ratio of the average load to peak load is taken for ranking the feeders. The ratio will always be less than one and the least value of this ratio indicates lower load density, made up of small energy consumers in large numbers, while the highest (almost equal to unity) is made of concentrated variety.

For each feeder, the revenue earned per 100 KVA of connected distribution transformer capacity in the feeder must be identified. The higher value of revenue earned per 100 KVA of connected load indicates more of tariff paying consumers, while the least indicates that subsidized or free supply consumers are dominant. For this purpose, express 22/11 KV feeders emanating from the 33/2/1 KV stations also must be considered.

3. For each feeder, the loss factor percentage must be assessed, which is equal to the difference between the energy input into the feeder and the energy billed, divided by energy input. The difference will include the incident technical line loss, the total of unmetered agricultural consumption and hut connections, besides other 'meters not read' (unmeasured) consumers and illegal abstraction that might have taken place.

4. For each feeder, the feeder connected load and the feeder service area in KM² must also be estimated. The ratio will give a picture of sparse to heavy loads on the feeder. This will exclude the express feeders, as they feed only one consumer of large connected load.

5. For each feeder the number of consumers connected to the feeder must be assessed to ensure that minimum number of consumers is affected during the load shedding period.

6. These five classifications are segmented again into three or four value compartments, from the highest to lowest values. This TANGEDCO will have 16 (sixteen) different compartments in which all the feeders will fit in.

4.14. Naga Limited

a) TANGEDCO acted beyond its powers in fact took upon itself the powers of TNERC in curtailing the utilization of banking for windmill, disallowing 3rd party and IEX power purchase and in introducing power holiday. As also giving directions on penalty to be levied 3 times 4 times without the approval of TNERC. TANGEDCO acted beyond its powers, in fact encroached on the duties and powers of TNERC, unilaterally, arbitrarily without regulatory prescriptions or authority of law.

b) We need a monthwise R&C measures planned out for the whole year in a matrix format. That is at what shortage what should be the R&C.

c) The above power deficit has been arrived after a planned power purchase programme of upto 2600 MW by March 2013 whereas the attached letter of PGCIL clearly states that till 2013 there approved transmission capacity for the import to the Southern Grid is already fixed and there is not any scope for considering additional transmission import till 2013. A big problem to power purchase.

d) A capacity addition of 2909 MW by March 2013 which by all standards of our past experience is highly questionable.

e) The power shortage can be higher by another 2000 to 4000 MW above the projected shortfall if there is availability of power and the industries are allowed to consume without restriction and control. Over and above the projected shortfall.

f) A matrix may be evolved such that what level of supply shortage what level of R&C should be enforced. Whether the R&C should have % curt say 40%, 30%, 20%, 10% or 50% or power holiday one day, two day or intra day hourly load shedding for one, two three or more hours continuous or staggered. For example at a power shortage of 500 MW or 500 MVA nil power holiday only hourly cut. At 1000 MW or 1000 MVA power shortage enforce 20% cut. At 1500 MW shortage enforce 30% cut. At 2000 MW enforce power holiday one day. At 3000 MW shortage enforce two day power holiday.

g) The procedure for enforcing the R&C should also be prescribed. That is although the previous year R&C orders issued dated 23-01-2012 whereas from Feb 2012 the power cuts had gone upto 10 to 11 hrs a day unscheduled, unintimated. Hence it is proposed that the TANGEDCO may be directed to submit by ever June the planned R&C for the period September of current year to the September of subsequent year.

h) i) The procedure should defined that the commissions approval is must
ii) There should be only scheduled power cuts or holidays.

- iii) They must be intimated to the effected stake holders in advance of the scheme being implemented.
- iv) The TANGEDCO should submit every quarter the R&C measures planned for the next quarter. The Hon'ble commission may approve the R&C based on the last year same period actual prevailing vs expected demand supply changes in the current year.

- v) The Hon'ble commission may also consider the windmill generation seasons, the hydel generation seasons, the month wise generation and demand difference as also the intra day peak, normal and night hours demand scenerios on a month to month basis.

- i) The Hon'ble commission may prescribe the penalty for the different periods. Such that during the months of June to October the wind mill generation takes care of the shortage. Whereas during feb and march the TANGEDCO has to reimburse the windmill captive consumers for the banked energy. Similarly intraday peak hours, normal and night hours may have penalty for deviations as well as incentive for compliance to the consumers. There may be variable in structure for the most critical and highly shortage periods vs. normal periods but should be well defined, easily understandable and simple to implement.

- j) Instead of making the individual windmill investor responsible for installing the ABT meters let each feeder and substation be installed with the ABT meters and the infrastructure to the monitor the feeder wise generation and substation wise generation, transmission and consumption of energy has to be effected.

- k) The ABT meter can measure and record data which are used once in a month for monitoring will not make a dynamic monitoring for online grid control. We need computer software to collect compile and use mathematical models with complex or simple algorithms for optimization of power demand and supply on a time to time online dynamic monitoring basis neatly created into EDC wise, region wise into the state wide monitoring system.

- l) Forecasting and scheduling instead of making the windmill investors responsible for the forecasting and scheduling a separate agency specialized in the matter will have to be created for a proper forecasting and scheduling.
- m) To create a centralized or state owned TN forecasting and scheduling company limited we need funding the same can be solved.
- n) We need to have 6000 MW Hydel project to balance the grid during the lean wind season when the 6900 MW of installed windmills goes non generating that is Ocean water desalination and pumping to the western ghats for creating Hydel power.
- o) Preventive maintenance, scheduled maintenance, Bench marked technology practices to be practiced. Technology upgradation and replacement of old and outdated equipments etc.
- p) Action needed for co-ordination with various agencies for funding project progress, debottlenecking and achieving within time frame. A dedicated team has to be created with a officer of minimum of and IAS who can co-ordinate with the other state agencies, the state and the central ministries and the PGCIL etc who co-ordinate, influence, move forward the work of debottlenecking the southern grid transmission line constraint.
- q) Dynamic grid monitoring online managing the state grid on the lines of the NLDC managing the SLDCs – similar software infrastructure, online metering EDC wise, substation wise, feeder wise, and within the region all EDCs to be monitored at the Region level and all regions to be monitored at the state level by the SLDC. Data collection online time based. Data processing and online decision making for quality grid management and quality power supply.
- r) A lot of research and development is required for grid management, transmission, distribution, concept of load shedding, concept of generation

shedding, using the surplus power for sale to other states in times of surplus and importing power during shortage, transmission capacity and generation fluctuation management etc. needs lot of research and data analysis even to best effectively utilize the available resources.

s) Solving the financing problem outstanding dues and operating losses to be made profit making needs a lot of new and revolutionary thinking including (a) regular tariff revision, (b) going for additional equity raising by means of issue of equity papers, bonds, commercial papers, etc (c) computerising from grid management to online billing and payment will not only reduce manpower and cost but also increase efficiency and effectiveness, (d) disinvestment by equity issue to the public like IPO. It can be done for generating stations.

t) By auction on the lines of 3G etc EDC wise, generation station wise sufficient monies can be realized which can be used for paying the 54000 crores outstanding dues and claims and also any surplus funds can be used for the infrastructure development in terms of Transmission corridor development, Generation capacity development, improving technology for upgradation and also removal of outdated equipments and technology.

5) Views of the advocates / stakeholders during the hearing

It is appropriate to set out in brief the views of the advocates/stakeholders before proceeding to frame issues and render findings thereon.

a) The Senior counsel representing TANGEDCO Thiru N.C. Ramesh contended that TANGEDCO has inherent powers to impose restrictions on use of electricity under Regulation 38 of the Tamil Nadu Electricity Distribution Code in the event of power crisis. He contended that regulation 38 of the TNERC Distribution Code contains two parts and both the parts can operate independent of each other. As per the first part of the said regulation 38, the consumer shall curtail, stagger, restrict, regulate or altogether cease to use electricity when so directed by the licensee. That part of the said regulation

does not contemplate approval of the Commission or the State Government. It is only the second part of the said regulation which provides for specifying the period in such orders, which requires the instructions of the State Government or State Commission. He further submitted that there are cases of over drawl by captive generating plants from the grid and in view of the same, TANGEDCO is not able to supply power to other areas. He further submitted that the excess demand and energy charges have been levied after taking into account the drawl made in excess of the requirements. He has further submitted in the guise of drawing power from CPP, overdrawal is taking place from the grid and he also produced data in support of his contention.

b) Thiru R.S. Pandiyaraj, Advocate submitted that though Regulation 38 of the Distribution Code empowers TANGEDCO to impose restrictions during power crisis, the same cannot be done suo motu but has to be done with the approval of the State Government or the Commission. He further submitted that right of Open Access is guaranteed under the Electricity Act, 2003 as well as Open Access Regulations 2005 and the present Memos of TANGEDCO seek to re-write the Open Access Regulation and the Electricity Act 2003 itself. He further contended that Regulation 38 of the Distribution Code does not give power to withdraw banking and that TANGEDCO is framing its own rules. While conceding that Regulation 38 deals with generation and distribution and TANGEDCO can bring in any amount of restrictions and control measures, he sought to contend that the said regulation does not empower TANGEDCO to restrict the third party power purchase through open access. He further submitted that approval of the State Government or the Commission is mandatory for imposing R&C measures. According to Thiru Pandiyaraj, Advocate, TANGEDCO has taken differing stands before the High Court and the Commission. It is his contention that TANGEDCO agreed before the High Court that it would seek the approval of the Commission. But before the Commission, it has taken a totally contradictory stand by saying that it has got powers to impose R&C measures on its own under Regulation 38 and Commission's approval is not mandatory. He further pointed out that circular dated 25.2.2012 was issued prior to the approval of the G.O.dated

29.2.2012, the day on which additional restrictions were introduced. He further contended that no prior approval of the Commission was sought before issue of Memos dated 25.2.2012 and 29.2.2012 and it is a clear attempt to re-write the formula approved on 17.11.2008 and that the same is resorted to only with the sole aim of levying penalty without authority of law. When there is already an order in M.P.42 of 2008 for levying excess demand and energy charges, there is no justification for issuing the present Memos.

c) Thiru Karthikeyan of Madras Engineering Industries submitted that if the industries are not allowed to go for third party power purchase, there will be literal chaos in the industry and TANGEDCO itself can buy power from third parties and supply to consumers.

d) The Tamil Nadu Spinning Mills Association contended that TANGEDCO cannot restrain the rights of third party power purchase and captive generation provided for under the Electricity Act, 2003. It sought the cancellation of the licence of TANGEDCO. Referring to the prayer of TANGEDCO, it contended that there is no provision for ratification of the present Memos of TANGEDCO and that being a quasi-judicial body, Commission has to deal with the acts of TANGEDCO in an appropriate manner. It further contended that excess demand and energy charges were not one among the issues before the High Court and the same are raised in the petition for the first time.

e) Thiru Rahul Balaji, Advocate submitted that the filing of the writ petitions arose out of lack of transparency and lack of understanding on the part of TANGEDCO. He contended that the era of regulatory regime has come into force and TANGEDCO can no longer act as if it was under pre-Electricity Act 2003 period. He contended that R&C measures has to have the approval of the Commission and imposing the same without authority of law and tinkering with the statutory provisions is bad in law. Pleading for the cause of the wind energy generators, he contended that the rights of the wind energy generators has been guaranteed under the statute and that the rights of the wind energy generators cannot be curtailed through R&C measures.

He referred to the judgement dated 11.1.2011 of the Appellate Tribunal for Electricity in Appeal No.111 of 2010 wherein it has been observed that State Commissions should take all measures to enlarge Open Access Transmission and Distribution so that consumers could directly meet their demands. He also referred to section 24 of the Electricity Act 2003 which provided for cancellation of licence for non-compliance of the provisions of the Act or violation of conditions of licence by a licensee.

f) Thiru Seshadri, Advocate made a brief submission to the effect that the two circulars under reference are without authority of law and hence cannot be implemented or enforced. He further submitted that the very constitution of the Commission would be set at naught if TANGEDCO is permitted to act without authority of law.

g) Brakes India Ltd., made a submission to the effect that the Memos dated 25.2.2012 and 29.2.2012 are invalid in law. It further contended that in the case of captive power, the demand is restricted to actual utilisation. Actual utilisation has become impossible sometimes because of power holidays, load shedding or using at the generator end.

h) The Executive Engineer (Commercial) of TANGEDCO sought to outline the technical issues and submitted that there are certain problems in the Open Access. He further submitted that there is no effective infrastructure in regard to Open Access transactions to monitor the injection of energy at the generator's end and drawal end leading to exploitation by some consumers. He further submitted that in the guise of being Open Access consumers, certain consumers buy power for the quantum of power cut imposed by TANGEDCO or for the quantum required during power holidays. He cited an example whereby a consumer who has drawn power to the extent of 1000 KVA whereas he has obtained approval for a mere 15 KVA under Open Access. He sought to highlight the drawal of excess power from the grid, which collectively in his view, results in load shedding.

i) The Chief Engineer Commercial of TANGEDCO prayed the Commission to permit excess demand charges as requested in the petition to have grid security, to control unscheduled power cuts which may affect the genuine consumers who do not avail open access facilities.

j) South India Spinning Mills Association contended that Memos dated 25.3.2012 and 29.2.2012 have the effect of extension and re-imposition of R&C measures which were first introduced on 1.11.2008.

k) Certain consumers found fault with TANGEDCO for not clearly stating the time until which the R&C measures would last. A view was also expressed that agricultural operations were drastically affected due to frequent power cuts.

l) The Indian Wind Power Association pleaded for immediate withdrawal of R&C measures by contending that the same would affect the economy and trigger unemployment in the State. It further contended that R&C measures cannot be enforced without the approval of the Commission.

m) Madras Steel Roller Association submitted that the Memos dated 25.2.2012 and 29.2.2012 were issued without authority of law and hence cannot be enforced or implemented.

n) Co-tex Engineers, Coimbatore submitted that Regulation 38 does not give power to issue Circular Memo dated 29.2.2012, more specifically paras 4, 5, 6 and that the said regulation does not speak about captive generation, wind mill generation and CPP. It is further submitted that Regulation 38 does not speak about third party power purchase or open access. The others who made their submissions has also argued on the similar lines.

5. Issues for consideration:

We have heard those writ petitioners who have chosen to express their views as well as TANGECO. We have also heard the advocates who have argued for and against the circular Memos dated 25.2.2012 and 29.2.2012 of

TANGEDCO. On a careful consideration of rival submissions, we find that the following issues arise for consideration.

1. Whether circulars dated 25.2.2012 and 29.2.2012 of TANGEDCO are valid vis-à-vis regulation 38 of the Tamil Nadu Electricity Distribution Code and whether the said circulars have enlarged the scope of Regulation 38 of the Tamil Nadu Electricity Distribution Code?

2. Whether the circulars dated 25.2.2012 and 29.2.2012 have transgressed the rights of Open Access Consumers under section 42 of the Electricity Act, 2003 and Captive Consumers under section 9 of the Electricity Act, 2003.

3. Whether the approval of the Commission is mandatory for Restriction and Control Measures in the light of the stand taken by TANGEDCO that there is no such requirement under Regulation 38 of the TN Electricity Distribution Code?

6. FINDINGS OF THE COMMISSION ON THE FIRST ISSUE

6.1. On the first issue, we are of the considered view that section 38 of the Tamil Nadu Electricity Distribution Code cannot be read in isolation and the same has to be read in conjunction with Regulation 15(6) of said Code and with section 45 of the Electricity Act, 2003. Regulation 50 of the Tamil Nadu Electricity Distribution Code also states explicitly that the said Code has to be read along with Tamil Nadu Electricity Supply Code, Electricity Act, 2003 and other amendments. It also follows as a natural corollary that section 38 of the Tamil Nadu Electricity Distribution Code has not only to be read in conjunction with Supply Code, Electricity Act, 2003 and amendments made thereto but with other provisions of the said Code itself. Such being the case, an isolated reading of the said regulation as sought to be done by the TANGEDCO would negate the very object of the said regulation. Therefore, we deem it fit and appropriate to refer to those regulations and discuss the issue. The said provisions are re-produced below:

Tamil Nadu Electricity Distribution Code

“Chapter 5 Operation Guidelines for Distribution System

15 The Procedures and practices -----

(6) Demand Management / Load Shedding: *On getting directions from the SLDC rolling blackouts for short duration shall be carried out by the Licensees to maintain the load generation balance and security of the network. This may also be necessary due to the loss of any circuit, equipment or any other operational contingency that may occur in their Distribution Networks also. The Licensee shall estimate the loads that may be shed in discrete blocks at each interconnection point after consultation with the consumers if possible and submit the same to the SLDC. The consumers shall cooperate with the Licensee in this regard. The Licensee shall work out the modalities of the load shedding. A detailed procedure shall also be furnished to the SLDC and other officials in charge of the downstream substations of the Licensee, where such load shedding / rolling blackout are to be carried out. When provisions are available for the automatic load shedding with the aid of under frequency relays, the circuits involved and the quantum of load to be shed shall be intimated to the SLDC and officials persons in charge of downstream substations of the Licensee. The settings adopted for the UF relays shall also be furnished. If any constraint or bottleneck in the transmission system and/or distribution system, warrants rotational load shedding then it shall be resorted to by the Licensees in their distribution system. On such occasions, the public shall be promptly informed of such arrangements through the media. Large consumers with contract demands of 1 MW and above and essential services such as hospital, public water works etc. shall be notified through telephone/ fax/ e-mail or any other communication systems”.*

“Chapter 6: Terms and Conditions for supply of Electricity

.....
.....

38. RESTRICTIONS ON USE OF ELECTRICITY: *The consumer shall curtail, stagger, Restrict, regulate or altogether cease to use electricity when so directed by the Licensee, if the power position or any other emergency in the Licensee’s power system or as per the directives of SLDC/ SSLDC warrants*

such a course of action. The Licensee shall not be responsible for any loss or inconvenience caused to the consumer as a result of such curtailment, staggering, restriction, regulation or cessation of use of electricity. Notwithstanding anything contained in any agreement/ undertaking executed by a consumer with the Licensee or in the tariff applicable to him, the consumer shall restrict the use of electricity in terms of his/her maximum demand and/ or energy consumption in the manner and for the period as may be specified in any order that may be made by the Licensee on the instructions of State Government or the Commission”.

Electricity Act,2003:

“45. (1) Subject to the provisions of this section, the prices to be charged by a distribution licensee for the supply of electricity by him in pursuance of section 43 shall be in accordance with such tariffs fixed from time to time and conditions of his licence.

(2) The charges for electricity supplied by a distribution licensee shall be -

(a) fixed in accordance with the methods and the principles as may be specified by the concerned State Commission ;

(b) published in such manner so as to give adequate publicity for such charges and prices

(3) The charges for electricity supplied by a distribution licensee may include

—

(a) a fixed charge in addition to the charge for the actual electricity supplied;

(b) a rent or other charges in respect of any electric meter or electrical plant provided by the distribution licensee.

(4) Subject to the provisions of section 62, in fixing charges under this section a distribution licensee shall not show undue preference to any person or class of persons or discrimination against any person or class of persons.

(5) The charges fixed by the distribution licensee shall be in accordance with the provisions of this Act and the regulations made in this behalf by the concerned State Commission”.

Here, it may be seen that the issue of the impugned circulars has raised two issues, namely, a) whether the respondents have the powers to introduce Restriction and Control Measures on their own and b) whether the respondents have powers to levy excess demand and energy charges on their own. A conjoint reading of regulations 15(6) and 38 of the Electricity Act, 2003 would make it abundantly clear that powers to introduce load shedding/blackouts on the part of the licensee is meant only for a short period. The occurrence of the expressions “ blackouts for short duration “ and “ operational contingency” would be of significant import. It clearly brings out the position that the power that has been vested with the licensee under Regulation 15(6) is to be exercised only under exigent circumstances and by no stretch of imagination can it be meant to extend to a longer period as has been sought to be done now by the respondents. It can be safely concluded that no prior approval of the Commission is required under regulation 15(6) of the TN Electricity Distribution Code for the measures imposed under such exigent circumstances. On the other hand, the language employed in Regulation 38 is so clear and unambiguous that prior approval of the Commission is mandatory. It is necessary to dissect the said regulation into two parts for the purpose of better appreciation and understanding.

First part

“The consumer shall curtail, stagger, Restrict, regulate or altogether cease to use electricity when so directed by the Licensee, if the power position or any other emergency in the Licensee’s power system or as per the directives of SLDC/ SSLDC warrants such a course of action. The Licensee shall not be responsible for any loss or inconvenience caused to the

consumer as a result of such curtailment, staggering, restriction, regulation or cessation of use of electricity”.

Second part

“Notwithstanding anything contained in any agreement/ undertaking executed by a consumer with the Licensee or in the tariff applicable to him, the consumer shall restrict the use of electricity in terms of his/her maximum demand and/ or energy consumption in the manner and for the period as may be specified in any order that may be made by the Licensee on the instructions of State Government or the Commission”.

It was strenuously contended by the learned senior counsel for TANGEDCO that the first part which enables the licensee to impose conditions on the use of electricity on consumers is independent and hence it does not contemplate approval of the Commission. He further contended that it is only the second part which provides for specifying a period in such orders which requires the instructions of the State Government or the State Commission.

It may be seen that while the first part as seen above imposes a condition on a consumer to curtail, stagger, restrict and regulate or altogether cease to use electricity when so directed by the licensee, the second part, namely, the non-obstante clause, states clearly that restriction imposed by the licensee under the first part shall prevail over the agreement /undertaking executed by a consumer, which means despite the rights available to the consumer under any agreement/undertaking with the licensee, the first part as stated above would override the same. Thus, it may be seen that such restriction of electricity specified by the Licensee shall be on instructions from the State Government or the Commission, which means that the licensee on its own cannot impose such restrictions. Hence, we are unable to subscribe to the view of the learned Senior Counsel for TANGEDCO. It is needless to reiterate here that having acquiesced to the jurisdiction of the Commission in

the matter of Restriction and Control measures at the first instance in the year 2008 in M.P. 42 of 2008, the contentions of the respondent that it can introduce R &C Measures on its own is untenable and cannot be countenanced.

On the question of levy of excess demand and energy charges, it may be seen that Commission's approval is mandatory in view of the sub-sections (2) and (5) of section 45 of the Electricity Act, 2003 which is re-produced hereunder:-

"45

(2) The charges for electricity supplied by a distribution licensee shall be -

(a) fixed in accordance with the methods and the principles as may be specified by the concerned State Commission ;

.....
.....

(5) The charges fixed by the distribution licensee shall be in accordance with the provisions of this Act and the regulations made in this behalf by the concerned State Commission".

Even a plain reading of the above section would make it amply clear that any charge for electricity supply by a distribution licensee shall be fixed in accordance with the methods and principles specified by the Commission and in accordance with the provisions of the Act and the regulations made by the Commission. In this connection, Regulation 5(13) of the Tamil Nadu Electricity Supply Code which was introduced by means of Commission's amendment TNERC/SC/7-11 dated 15-12-2008 in the matter of excess demand and energy charges during Restriction and Control would be relevant. It provides that in case the maximum demand recorded is in excess of the quota fixed, the demand in excess of the quota fixed shall be at the rates specified by the

Commission from time to time. The operative portion of the said amendment is as follows:

3. Amendment of regulation 5 of the principal code :

In regulation 5 of the principal Code , after sub-regulation (12), the following sub- regulation shall be added namely : -

“(13). Excess demand charge and excess energy charge during Restriction and Control of supply :

(i) The maximum demand charges for HT supply shall be based on the actual recorded demand at the point of supply or at 90% of the demand quota as fixed from time to time through restriction and control measures whichever is higher. In case the maximum recorded demand is in excess of the quota fixed, the demand in excess of the quota fixed shall be charged at rates specified by the Commission from time to time.

(ii) The energy consumption over and above the energy quota fixed shall be charged at the rates specified by the Commission from time to time in respect of such class of consumers upon whom the restriction and control measures apply.

(iii) The services which draw electricity from TNEB Grid for using welding sets during the restricted hours shall be charged at the rates specified by the Commission from time to time.”

In view of the above, the present Memos which have been issued without the approval of the Commission are not sustainable in law. That apart, it may be further seen that excess demand and energy charges were levied on the consumers after seeking approval of the Commission in M.P. 42 of 2008 at the first instance and it is really incomprehensible as to why the respondents have issued the impugned circulars without the approval of the Commission after having sought the approval of the Commission for imposing R & C Measures and for levy of excess demand and energy charges in M.P.

No. 42 of 2008. Hence, the contention of the respondent that it has powers to levy excess demand and energy charges on it own is devoid of merits and we hold that the approval of the Commission is mandatory in the light of the aforesaid discussion.

Further, it may be noted that the impugned circulars are also violative of Order No.1 of 2009 in the matter of Wind Energy and order dated 7.9.2010 of the Commission in MP Nos. 6 of 2010, 9 of 2010 and 17 of 2010 and DRP No. 9 of 2010. In the impugned Memo dated 25.2.2012, the following orders were issued:

1. Power cut was increased from 20% to 40%
2. 90% cut on quota demand and energy for HT industrial and commercial services during peak hours
3. increase in load shedding in Chennai and its suburban areas
4. One day power holiday from Monday to Saturday in addition to Sunday.

In the impugned Memo dated 29.2.2012, working instructions for the earlier orders were issued. In addition to the same, the following orders were also issued in paras 4,5 and 6 of the impugned memo.

1) *Banking adjustment for HT Consumers using wind energy is withdrawn up to 31.3.2012*

2) *HT consumers are permitted to purchase Third party/Exchange power daily during day time peak hour and night off peak hours except power holidays and load sheeding period.*

3) *HT consumers are permitted to wheel energy from wind mill/CPP during day time, peak hours except power holidays and load shedding period.*

It may be seen that para 4 of the impugned Memo which seeks to dispense with the banking even for a shorter period without the approval of

the Commission is violative of Order No.1 of 2009 which has provided for banking. The Order No. 1 of 2009 was challenged by the respondent in Appeal No. 98 of 2009 and the same was upheld by the Hon'ble Appellate Tribunal for Electricity. Therefore, para no.4 of the impugned Memo dated 29.2.2012 is bad in law and therefore set aside.

It may also be seen that para 5 of the impugned memo seeks to impose restrictions on third party power purchase and purchase of power from exchange on power holidays and load shedding period. Similarly, para 6 of the impugned memo seeks to place restrictions on wheeling of energy from wind mill/CPP during power holidays and load shedding period. In this connection, it is relevant to refer to order dated 7.9.2010 of the Commission in M.P.Nos.6 of 2010, 9 of 2010 and 17 of 2010 and D.R.P.No.9 of 2010 which reads as follows.

“4.4. The consumer is at present permitted to utilise power from captive sources. The present order would enable a consumer to purchase power from third party sources as well. Procurement of power by a consumer through Open Access is protected by the Electricity Act, 2003. The role of the licensee is limited to that of a carrier. Procurement through Open Access will be treated as an additionality. The ceiling, upto which a consumer can utilise power including the TNEB quota demand, captive power and third party purchase would be the sanctioned demand. In such a situation, there would be no need for advance declaration by the consumer of procurement of captive power as stipulated in SMP No.1 of 2009 or procurement of third party power as stipulated in the Interim Order dated 17-8-2010. As the TNEB had allowed procurement of power upto the sanctioned demand in their communication dated 17-7-2009 “procedure for allowing third party sale / purchase under intra state open access”, there should be no difficulty in allowing the consumer to procure power upto the sanctioned demand.

4.5. The equivalent demand brought in by the consumer from captive and third party sources should be subtracted from the maximum demand recorded by the meter of the consumer. Balance would be the demand actually

supplied by the TNEB. If this figure exceeds the quota demand of the TNEB, the consumer would be liable to pay excess demand charges at the rates stipulated in the order of the Commission in M.P.No.42 of 2008. Similarly, the energy purchased from captive and third party sources would be subtracted from the total energy consumed by the consumer. The balance would be deemed to be the energy actually supplied by the TNEB. If this quantum exceeds the energy quota of the TNEB, the consumer would be liable to pay excess energy charges at the rates stipulated in the order of the Commission in M.P.No.42 of 2008.

4.6. To summarise, the present order enables a consumer to consume power upto sanctioned demand including TNEB quota demand and procurement of power from captive sources and third party sources. The need for advance declaration of the consumer for procurement of power through open access is dispensed with for the purpose of this order”.

It may be seen from the above that the role of the licensee is limited to that of a carrier and procurement through Open Access will be treated as an additionality. The ceiling, upto which a consumer can utilise power including the TNEB quota demand, captive power and third party purchase would be the sanctioned demand. Such being the case, the para nos. 5 and 6 of the impugned memo 29.2.2012 which seeks to place undue restrictions on the purchase of energy during power holidays and load shedding are violative of the orders of the Commission, moreso, when no prior approval of the Commission was obtained for introduction of power holidays. In the result, the said paragraphs No. 5 and 6 are also liable to be set aside.

However, it must be noted that there is a discernible change in the stand of the petitioner consequent to large numbers of consumers approaching the Hon'ble High Court of Madras. As may be seen from the communication dated 6-3-2012 of the petitioner, the H.T. consumers were permitted to avail power from third party sources upto 9.3.2012 consequent to the interim injunction granted by the High Court. It may be further seen that on extension of interim order upto 16.3.2012 by the High Court, the petitioner

issued communication dated 9.3.2012 to all its chief Engineers/Distribution to permit HT Consumers to avail power from the third party sources upto 16.3.2012. It may further be seen that consequent upon further extension of interim injunction by the Hon'ble High Court upto 21.3.2012, the petitioner , vide communication dated 16.3.2012, issued a communication to its Engineers/Distribution permitting the purchase of power from third party/self generated sources/ CPP/Banked units. It may further be noted that on further extension of interim stay by the Hon'ble High court up to 26.3.2012, the petitioner issued a communication dated 21.3.2012 permitting the purchase of power from third party/self generated sources/ CPP/Banked units to meet the energy requirements of HT consumers during power holiday and Load shedding period. Upon further extension of interim injunction by the Hon'ble High Court of Madras upto 27.3.2012, the petitioner issued a further communication dated 26.3.2012 permitting the purchase of power from third party/self generated sources/ CPP/Banked units to meet the energy requirements of HT consumers during power holiday and Load shedding period. It may further seen from the communication dated 27.3.2012 of the petitioner to its Chief Engineers/Distribution that the Hon'ble High Court of Madras transferred the Writ petitions to the Commission and hence the instructions issued earlier shall be followed until further orders. At last, petitioner Corporation issued a communication on 1.6.2012 to all its Chief Engineers/Distribution withdrawing the power holidays reduction in load shedding which has the effect of withdrawal of the unilateral Restriction and Control measures imposed vide the impugned memos. The gist of the said instruction is as follows:-

- i) Power holidays to HT/LTCT/LT industries including Sunday have been withdrawn.
- ii) Reduction of load shedding from 2 hours to 1 hour between 08.00 hours to 18.00 hours in Chennai and its suburbs.
- iii) Reduction of load shedding from 4 hours to 3 hours between 06.00 hrs. to 18.00 hrs. to areas other than Chennai.

Thus, it may be seen from the above chain of events that though the Additional Restriction and Control measures were sought to be introduced without the approval of the Commission, as and when the Hon'ble High Court of Madras extended the interim injunction, the petitioner Corporation issued communications in line with the directions of the Hon'ble High Court culminating in the withdrawal of the Additional Restriction and Control measures on 1.6.2012. Inasmuch as the petitioner Corporation itself has issued a series of communications since 6-3-2012 consequent to the directions of the Hon'ble High Court of Madras leading to ultimate withdrawal of the instructions on 1.6.2012 which has the virtual effect of withdrawal of the instructions issued in 29.2.2012, we are of the view that it is not necessary to go further into the conduct of the petitioner beyond the period 5-3-2012. But the fall out of the issue of the impugned communications from 29.2.2012 to 5.3.2012 has to be certainly dealt with herein. Going by the above findings, we have no hesitation in holding that the restrictions imposed on the consumers for the period from 29-2-2012 to 5-3-2012 and the resultant levy of excess demand and energy charges are not sustainable in law. Since such restrictions have been withdrawn by TANGEDCO with effect from 6.3.2012 by its circular to all Chief Engineers, the levy of excess demand and energy charges, if any, for the said period of 29-02-2012 to 05-03-2012 are liable to be refunded. Those issues which have been raised but not relevant to the case on hand have not been dealt with in this order.

7. FINDINGS OF THE COMMISSION ON THE SECOND ISSUE

On the second issue, it is necessary to refer to sections 9 and 42 of the Electricity Act, 2003. Section 9 deals with the rights of a person to set up generating station. It provides for establishment, operation and maintenance of such generation station without obtaining a licence if it complies with the technical standards. Section 9(2) states in unequivocal terms that every person who has constructed a captive generating plant and maintains and operates such plant, shall have the right of open access for the purposes of carrying electricity from his captive generating plant to the destination of his use. Coming to section 42 of the Electricity Act, 2003, it may be seen that the State Commissions have a mandate to introduce Open Access. It further

states that surcharge shall not be leviable in case of open access provided to a person who has established a captive generating plant for carrying electricity to the destination of his use. Thus, a conjoint reading of both sections would make it amply clear that while section 9 seeks to encourage setting up of captive generating plant, section 42 seeks to encourage captive generators by dispensing with surcharge in case where the energy is consumed for self-use. From the phraseology employed in these sections, it is manifestly clear that the Electricity Act does not countenance undue restrictions imposed on self-generation and open access and only seek to promote them. Commission has also enabled open access to all HT consumers i.e, consumers with demand over 112 KW with effect from 17.2.2010 by way of amendment to TNERC Intra-State Open Access Regulations 2005. The same is re-produced below:

*“TAMIL NADU ELECTRICITY REGULATORY COMMISSION
NOTIFICATION No. TNERC/ISOA / 11/1-3 dated 09-02-2010*

WHEREAS the Tamil Nadu Electricity Regulatory Commission specified the Tamil Nadu Electricity Regulatory Commission – Intra-State Open Access Regulations 2005 under Electricity Act 2003 (Central Act 36 of 2003) and published the same in the Tamil Nadu Government Gazette (Part VI – section 2 (supplement) dated the 3rd August 2005;

AND WHEREAS it is considered necessary to amend, the Tamil Nadu electricity Regulatory Commission – Intra State Open Access Regulations 2005 to amend the Phasing of Open Access;

NOW, THEREFORE, in exercise of the powers conferred under section 181 of the Electricity Act, 2003 (Central Act, 36 of 2003) and all other powers enabling it in this behalf and after previous publication, the Tamil Nadu Electricity Regulatory Commission hereby makes the following amendments to the Tamil Nadu Electricity Regulatory Commission – Intra-State Open Access Regulations 2005 namely:-

Tamil Nadu Electricity Regulatory Commission – Intra-State Open Access Regulations (Amendment) Regulations, 2010

1. Short title and commencement:

(i) These Regulations may be called Tamil Nadu Electricity Regulatory Commission – Intra-State Open Access Regulations (Amendment) Regulations, 2010.

(ii) They shall come into force on the date of their publication in the Tamil Nadu Government Gazette.

2. Amendment of regulation 11 of the Intra State Open Access Regulations, 2005:

In regulation 11 of the Intra State Open Access Regulations, 2005, -

I) In clause (c), for the expression “In the third and final phase”, the expression

“In the third phase” shall be substituted;

II) After clause (c), the following new clause shall be inserted, namely; “(cc) in the fourth and final phase, open access shall be allowed to all HT consumers irrespective of load”

(By Order of the Tamil Nadu Electricity Regulatory Commission)

*R.Balasubramanian,
Secretary
Tamil Nadu Electricity Regulatory Commission”.*

Therefore, the present circulars which seek to impinge upon the rights of the captive consumers and open access consumers are ultra vires of section 9 and 42 of the Electricity Act. These circulars are also in violation of para 4.6 of the order dated 7.9.2010 in MP Nos. 6 of 2010, 9 of 2010 and 17 of 2010 and DRP No. 9 of 2010. In the result, the second issue is also decided against the Petitioner TANGEDCO.

8. FINDINGS OF THE COMMISSION ON THE THIRD ISSUE

On the third issue, it is necessary to traverse to the genesis of R & C Measures. The Commission issued an order in M.P. 42 of 2008 on 28-11-2008 approving the Restriction and Control Measures proposed by the erstwhile TNEB which is presently called TANGEDCO. For violation of R & C Measures, levy of excess demand charges and energy charges were proposed by TANGEDCO and the same was accepted in principle by the Commission but approval was given with certain modifications. Thus, R & C Measures is not a new issue. Prior approval of the Commission was sought by TNEB for introducing the R&C Measures in the year 2008 in addition to the approval of the Government of Tamil Nadu. Applying the same analogy, it is but appropriate that prior approval of the Commission ought to have been obtained by TANGEDCO before issue of the circulars levying excess demand and energy charges. This is all the more important in view of the fact that having acquiesced to the jurisdiction of the Commission at the time of introduction of R& C Measure in the year 2008, TANGEDCO cannot turn around and say that such measures can be taken on its own. To put it otherwise, having known that approval of the Commission is mandatory for levying excess demand and energy charges and having done the same without the approval of the Commission, TANGEDCO cannot come up with an entirely different interpretation of Regulation 38 of the TN Electricity Distribution Code now. It is true that Regulation 38 empowers TANGEDCO to effect Restriction and Control Measures but as rightly pointed out by Thiru Rahul Balaji, Advocate that the same has to be done after seeking approval of the Commission and the present action of TANGEDCO amounts to tinkering with the provisions of the Electricity Act 2003 and the regulations made thereunder. Further, the said circulars have enlarged the scope of Regulation 38 by providing for excess demand and energy charges without the approval of the Commission. Therefore, the third issue is answered against the Petitioner TANGEDCO.

9. Order:

In view of the foregoing findings, we deem it fit and appropriate to set aside the Memos dated 25.2.2012 and 29.2 2012 as the same have been issued in violation of provisions of Electricity Act, 2003 and as well as the orders of the Commission. In the result, the consequential collection of excess demand and energy charges, if any, collected for the period 29-2-2012 to 5-3-2012 shall be refunded. TANGEDCO is directed to ensure that approval of the Commission is obtained beforehand before issue of circulars concerning Restriction and Control Measures. There will be no order as to costs.

10. Appeal

An appeal against this order shall lie to the Appellate Tribunal for Electricity under section 111 of the Electricity Act, 2003 within forty five days from the date of this order.

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

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

/ True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission

List of Cases transferred by High court to the Commission in the matter of R & C

SI No.	Description	W.P No.
1	Tata Coffee Limited	2711 of 2012
2	VTM Ltd.	2717 of 2012
3	Thiagarajar Mills Pvt. Ltd	2726 of 2012
4	Sundaram Industries Limited	2803 of 2012
5	TVS Srichakra Ltd.	2804 to 2806 of 2012
6	Harshavardhan Cotton & Synthetics Ltd.	2951 of 2012
7	National Textiles Corporation Pioneers Spinners	3147 of 2012
8	M/s Kaleeswarar Mills	3148 of 2012
9	Arumuga Spinning Mills P.Ltd	3309 of 2012
10	Arumuga Fabricks P. Ltd	3310 of 2012
11	M/s. S.V.M.A. Agro Products (Pvt) Limited	3329 of 2012
12	S.V.M.A. Agro Products P. Ltd	3329 of 2012
13	Sri Ranga Textiles P. Ltd	3775 of 2012
14	Seyadu Spinning Mills	4311 of 2012
15	Moon Spinners Ltd.	4312 of 2012
16	Sayad Cotton Mills Ltd.	4313 of 2012
17	Sri Venkatram Spinners (Pvt) Limited	4314 of 2012
18	Vinayagar Spinning Mills	4315 of 2012
19	Vijay Spinners	4316 of 2012
20	Geetha Krishna Spinning Mill Pvt. Ltd.	4391 of 2012
21	Vindhya Spinning Mills (Private) Ltd.	4426 of 2012
22	LS Mills Limited	4427 of 2012
23	LS Mills Limited	4428 of 2012
24	Shri Govindaraja Mills Ltd	4439 of 2012
25	M/s. Karthikeya Spinning Mills (P) Ltd.	4466 of 2012
26	Sri Vakirakaaliamma Spg Mills P. Ltd	4470 of 2012
27	Goodwill Textile Mills Pvt Ltd.	4609 of 2012
28	M/s. Sari Sathu Spinning Mills (P) Ltd.	4806 of 2012
29	Bannari Amman Spinning Mills	5190 & 5191 of 2012
30	Wheels India Limited	5226 of 2012
31	Brakes India Limited	5227 of 2012
32	Brakes India Limited	5228 of 2012
33	Brakes India Limited	5229 of 2012
34	Wheels India Limited	5230 of 2012
35	JSW Steel Ltd (Salem Works)	5231 of 2012
36	Sundram Fasteners Ltd.	5257 of 2012
37	Sundram Brake Linings Ltd.	5258 of 2012
38	Sundram Brake Linings Ltd.	5259 of 2012
39	M/s. Sundaram clayton Limited to	5291 of 2012 , 5994 of 2012
40	Asahi India Glass Ltd	5313 of 2012
41	M/s. Shiva Tex Yarn Ltd.	5315 of 2012
42	M/s. Karur K.C. P. Packkagings Ltd.	5316 of 2012
43	M/s. Vee Bee Yarn Tex Pvt. Limited	5317 of 2012
44	M/s. Sri Jagadhambiga Textile Mills (P) Ltd.	5318 of 2012
45	M/s. Karur K.C.P. Rackkagings Ltd.	5319 of 2012
46	M/s. Karur K.C.P. Packkagings Ltd.	5320 of 2012

47	M/s. Hari Alloys Pvt. Ltd.	5321 of 2012
48	Orchid Chemicals & Pharmaceuticals Ltd.	5323 of 2012
49	Shobika Industries	5324 of 2012
50	Indus Steels and Alloys Ltd.	5325 of 2012
51	Sri Velayudhaswamy Spinning Mills (P) Ltd.	5326 of 2012
52	KGS Nelsun Paper Mills	5327 of 2012
53	Prabhu Spinning Mills (P) Ltd.	5328 of 2012
54	VSM Weaves India Limited	5329 of 2012
55	Attur Steels Pvt. Ltd.	5330 of 2012
56	Pioneer Jellice India (P) Ltd.	5332 of 2012
57	Tamilnadu Jai Bharath Mills Ltd.	5333 of 2012
58	Sri Jayajothi Textiles Mills (P) Limited	5334 of 2012
59	Diamond Castings Pvt Ltd.	5335 of 2012
60	Jaisar Spintex Pvt. Ltd.	5336 of 2012
61	Sree Jaisar Spinning Mills Pvt. Ltd.	5337 of 2012
62	Essee Metral Containers Pvt. Ltd.	5338 of 2012
63	APA Hotels Pvt. Ltd.	5357 of 2012
64	ITC Limited	5358 of 2012
65	Madras Cements Limited	5359 of 2012
66	Royal Classic Mills Pvt. Ltd.	5360 of 2012
67	Loyal Textile Mills Ltd.	5361 of 2012
68	KG Fabriks Limited	5362 of 2012
69	SAS Hotels and Enterprises Ltd.	5363 of 2012
70	SRF Limited	5364 of 2012
71	KG Denim Limited	5366 of 2012
72	Blow Packaging (India) Ltd.	5367 of 2012
73	Sri Balamurugan Textile Processing Limited	5368 of 2012
74	India Cements Limited	5369 of 2012
75	MRF Limited	5370 of 2012
76	M/s. Tube Products of India	5372 of 2012
77	M/s. Brakes India Limited (Brakes Division)	5373 of 2012
78	M/s. Brakes India Ltd.	5374 of 2012
79	M/s. Brakes India Ltd. (Foundry Division)	5375 of 2012
80	M/s. Midrange Components	5376 of 2012
81	M/s. Rolltec Engineering	5377 of 2012
82	The Kadri Mills (CBE) Ltd.	5378 of 2012
83	The Kadri Mills (CBE) Ltd.	5379 of 2012
84	The Kadri Mills (CBE) Ltd.	5380 of 2012
85	KGS Mills	5381 of 2012
86	KGS Mills	5381 of 2012
87	The Kadri Mills (CBE) Ltd.	5382 of 2012
88	The Kadri Mills (CBE) Ltd.	5382 of 2012
89	Sri Palani Murugan Enterprises Ltd.	5383 of 2012
90	Sri Palani Murugan Enterprises Ltd	5383 of 2012
91	TIDC India	5385 of 2012
92	TIDC India	5385 of 2012
93	TI Metal Forming	5386 of 2012
94	TI Metal Forming	5386 of 2012
95	TI Metal Forming	5387 of 2012
96	TI Metal Forming	5387 of 2012

97	India Japan Lighting Pvt. Ltd.	5388 of 2012
98	India Japan Lighting Pvt. Ltd.	5388 of 2012
99	Light Alloy Products Limited	5389 of 2012
100	Light Alloy Products Limited	5389 of 2012
101	Lucas TVS Limited	5390 of 2012
102	Lucas TVS Limited	5390 of 2012
103	LAP-Ross Engineering Limited	5391 of 2012
104	Lap-Ross Engineering Limited	5391 of 2012
105	Sundram Fasteners Limited	5392 of 2012
106	Sundram Fasteners Limited	5392 of 2012
107	ABI-Showtech India Limited	5393 of 2012
108	Abi-Showtech India Limited	5393 of 2012
109	Upasana Engineering Limited	5394 of 2012
110	Upasana Engineering Limited	5394 of 2012
111	Turbo Energy Limited	5395 of 2012
112	Turbo Energy Limited	5395 of 2012
113	Sundaram Auto Components Ltd.	5399 of 2012
114	Sundaram Fasteners Limited	5405, 5406, 5408 and 5411 of 2012
115	Sundram Bleistahl Limited	5407 of 2012
116	Sharada Products Limited	5409 of 2012
117	Sundaram Brake Linings Limited	5410 of 2012
118	Axles India Limited	5412 of 2012
119	Turbo Energy Limited	5413 of 2012
120	Sharada Terry Products Limited	5414 of 2012
121	Bimetal Bearings Ltd.	5417 of 2012
122	Bimetal Bearings Ltd.	5418 of 2012
123	Bio- Metal Bearings Ltd	5419 of 2012
124	Bimetal Bearings Ltd.	5420 of 2012
125	India Pistons Limited	5421 of 2012
126	India Pistons Ltd.	5422 of 2012
127	India Pistons Limited	5423 of 2012
128	M/s. Amalgamations REPCO Ltd.	5424 of 2012
129	M/s. Tractor and Farm Equipments Ltd.	5425 of 2012
130	Tractor and Farm Equipments Ltd.	5426 of 2012
131	M/s. Tractor and Farm Equipments Ltd.	5427 of 2012
132	Tractor and Farm Equipments Ltd.	5428 of 2012
133	Tractor and Farm Equipments Ltd.	5429 of 2012
134	M/s. Tractor and Farm Equipments Ltd,	5430 of 2012
135	Tractor and Farm Equipments Ltd	5431 of 2012
136	Sundram Fasteners Limited	5432 of 2012
137	Sharada Teny Products Ltd.	5433 of 2012
138	Sundram Fasteners Ltd.	5434 of 2012
139	Sundram Fasteners Ltd.	5435 of 2012
140	Sundaram Brake Linings Ltd.	5436 of 2012
141	Sundaram Fasteners Ltd.	5437 of 2012
142	Sundaram Fasteners Ltd.	5438 of 2012
143	Sundaram Fasteners Ltd.	5439 of 2012
144	Suguna Poultry Farm Ltd.	5486 of 2012
145	Biomass Power producers Association	5525 of 2012
146	Auro Mira Bio Energy Madurai Ltd.	5525 of 2012

147	Auro Mira Bio Energy Pudukottai India Ltd.	5525 of 2012
148	Auro Mira Bio Power India Pvt Ltd.	5525 of 2012
149	Global Powertech Equipment Ltd.	5525 of 2012
150	Shriram Non Conventional Energy Ltd.	5525 of 2012
151	Shriram Power Gen Ltd.	5525 of 2012
152	Synergy shakthi Renewable Energy Ltd.	5525 of 2012
153	M/s. Pongalur Pioneer Textiles (P) Ltd.	5535 of 2012
154	Kaveri Yarn and Fabrics Ltd.	5549 & 5550 of 2012
155	Kaveri Yarn and Fabrics Ltd.	5549 of 2012 & 5550 of 2012
156	Karthikai Textiles Mills	5551 of 2012
157	Karthikai Textiles Mills	5551 of 2012
158	Subburaj Spinning Mills (P) Ltd.	5552 of 2012
159	Subburaj Spinning Mills (P) Ltd.	5552 of 2012
160	P.K.P. Processors	5553 of 2012
161	P.K.P. Processors	5553 of 2012
162	Jayavinayaga & Co	5554 of 2012
163	Jayavinayaga & Co.	5554 of 2012
164	Subburaj Textiles Mills (P) Ltd.	5555 of 2012
165	Sunnuraj Textile Mills (P) Ltd.	5555 of 2012
166	Subburaj Cotton Mills (P) Ltd.	5556 of 2012
167	Subburaj Cotton Mills (P) Ltd.	5556 of 2012
168	M/s Nelcast Ltd	5569 of 2012
169	M/s. Jayabalaji Byeing	5570 of 2012
170	M/s. Sri Jagadhambiga Textiles Mills (P) Ltd.	5571 of 2012
171	M/s. Sri Jayajothi Textiles Mills (P) Ltd.	5572 of 2012
172	M/s. Harshni Textile (P) Ltd.	5573 of 2012
173	M/s. Subburaj Textiles Mills (P) Ltd.	5574 of 2012
174	M/s. Sri Annamalaiyur Paper Mills (P) Ltd.	5575 of 2012
175	M/s. Nisha Kishan Spg. Mills Ltd.	5576 of 2012
176	M/s. Salem Kanda Textiles Mills (P) Ltd.	5577 of 2012
177	The KCP Ltd.	5581 of 2012
178	M/s. Rajaguru spinning Mills (P) Ltd.	5582 of 2012
179	M/s. Rajaguru Spinning Mills (P) Ltd.	5583 of 2012
180	M/s. CIBI Krishan Textiles (P) Ltd.	5584 of 2012
181	Premier Fine Linens Pvt Ltd.	5585 of 2012
182	Lakshmi Narasimha Textiles Pvt Ltd.	5586 of 2012
183	Premier Mills Pvt Ltd.	5587 of 2012
184	Sree Narasimha Textiles Pvt Ltd.	5588 of 2012
185	Premier Cotton Textiles	5589 of 2012
186	Coimbatore Polytex Pvt Ltd.	5590 of 2012
187	Murugappa Morgan Thermal Ceramics Ltd.	5591 of 2012
188	Carborundum Universal Ltd.	5592 of 2012
189	Santhi Castings Works	5605 of 2012
190	Shri Sakthi Paper India (P) Ltd.	5606 of 2012
191	Sri Vishnu Annamalaiyur Paper Mills Ltd.	5607 of 2012
192	Vishnuvardhan Paper Mills (P) Ltd.	5608 of 2012
193	Varalakshmi Paper Mills Pvt. Ltd.	5609 of 2012
194	V.G. Paper & Boards Ltd.	5610 of 2012
195	Amarvathi Sri Venkatesa Paper Mills Ltd.	5611 of 2012
196	V.G. Paper & Boards Ltd.	5612 of 2012

197	Global Stampings and Weldings Automotive Pvt Ltd.	5614 of 2012
198	Technical Stampings Automotive Ltd.	5615 of 2012
199	Sree Jeya Soundharam Textiles Mills Pvt. Ltd.	5617 of 2012
200	GHCL Limited	5618 of 2012
201	GHCL Limited	5619 of 2012
202	GHCL Limited	5620 of 2012
203	TCP Ltd	5622 of 2012
204	Tamilnadu Petroproducts Ltd.	5623 of 2012
205	Unique Shell Mould (India) Pvt Ltd.	5624 of 2012
206	Indo Shell Mould Ltd.	5625 of 2012
207	Sree Anandhakumar Mills Ltd.	5626 of 2012
208	Indo Shell Cast Pvt Ltd.	5627 of 2012
209	Seshasayee Paper and Boards Ltd.	5628 of 2012
210	SPB Papers Ltd.	5629 of 2012
211	Sri Sellam Textiles (P) Ltd.	5630 of 2012
212	Sri Sellam Textiles (P) Ltd.	5630 of 2012
213	M/s. Vishnupriya Paper Mills Pvt. Ltd.	56374 of 2012
214	SL Lumax Ltd.	5688 of 2012
215	IP Pins & Liners Limited	5716 of 2012
216	IP Rings Ltd.	5717 of 2012
217	Spel Semiconductor Limited	5720 of 2012
218	Carborundum Universal Limited	5721 of 2012
219	P.A.S. Cotton Mills Pvt. Ltd.	5722 of 2012
220	Carborundum Universal Limited	5723 of 2012
221	Kalpana Cotton Mills	5724 of 2012
222	Carborundum Universal Limited	5725 of 2012
223	M/s. Supreme Cot-Spin Mills (India) Pvt. Ltd.	5727 of 2012
224	M/s. G.V.G. Paper Mills (P) Ltd.	5728 of 2012
225	M/s. Aruppukottai Shri Ramalinga Spinners Pvt. Ltd.	5729 of 2012
226	M/s. Sri Harikrishna Paper Mills (P) Ltd.	5730 of 2012
227	M/s. G.V.G. Paper Mills (P) Ltd.	5731 of 2012
228	M/s. Action Textile Pvt. Ltd.	5732 of 2012
229	M/s. Sri Harikrishna Papers (P) Ltd.	5733 of 2012
230	M/s. Dattatreya Textiles P Ltd.	5734 of 2012
231	Shri Ramalinga Mills Ltd.	5736 of 2012
232	Cholan Paper & Board Mills Ltd.	5738 of 2012
233	Swami Chickens (P) Ltd.	5739 of 2012
234	PKM Swami Hatchery (P) Ltd.	5740 of 2012
235	Patspin India Limited	5741 of 2012
236	Madras Engineering Industries Pvt Ltd.	5742 of 2012
237	Madras Engineering Industries	5743 of 2012
238	Madura Coats Pvt Ltd.	5744 of 2012
239	Exide Industries Ltd.	5763 of 2012
240	Ucal Fuel Systems Ltd.	5764 of 2012
241	Ucal Fuel Systems Ltd.	5765 of 2012
242	Vijay Plas Fabs (P) Ltd.	5780 of 2012
243	Madras Engineering Industries Pvt Ltd.	5786 of 2012
244	Madura Coats Pvt. Ltd.	5787 of 2012
245	Madura Coats Pvt. Ltd.	5788 of 2012
246	Carborundum Universal Ltd.	5789 of 2012

247	Carborundum Universal Ltd.	5790 of 2012
248	Omega Zips	5791 of 2012
249	Suguna Poultry Farm Ltd.	5792 of 2012
250	Balu Exports	5796 of 2012
251	Balu Exports	5796 of 2012
252	Tirupur Textiles Pvt. Ltd.	5797 of 2012
253	Tirupur Textiles Pvt Ltd.	5797 of 2012
254	Ambica Agarbathies Aroma & Industries Ltd.	5798 of 2012
255	Ambica Agarbathies Aroma & Industries Ltd.	5798 of 2012
256	Auto Diecasting Company	5799 of 2012
257	Auto Diecasting Company	5799 of 2012
258	Tirupur Textiles Pvt Ltd	5800 of 2012
259	Tirupur Textiles Pvt Ltd.	5800 of 2012
260	Aquapump Industries	5801 of 2012
261	Aquapump Industries	5801 of 2012
262	Kilburn Chemicals Ltd	5802 of 2012
263	Sri Dhanalakshmi Sizing and Spinning Mill	5818 of 2012
264	Needle Industries (India) Pvt. Ltd.	5835, 5836 of 2012
265	BBC Daido Pvt Ltd.	5837 of 2012
266	Suguna Poultry Farm Ltd.	5847 of 2012
267	Shiva Tex Yarn Ltd.	5864 of 2012
268	Shri Cheran Synthetics India Ltd.	5877 of 2012
269	Jaimurugan Textiles Ltd.	5878 of 2012
270	R.B. Wovers (P) Ltd.	5879 of 2012
271	Pallava Textiles Ltd.	5880 of 2012
272	Andal Paper Mills (P) Ltd.	5881 of 2012
273	M/s. Sri Kamadhenu Textiles	5884 of 2012
274	M/s. S.P. R. Textiles	5885 of 2012
275	M/s. R.K.S. Spinners (India) Pvt. Ltd.	5886 of 2012
276	M/s. Shree Rajaganapathy Spinners	5887 of 2012
277	M/s. Srri Shamundi Spinners	5888 of 2012
278	M/s. Sri Ponvinayaka Textile Mill	5889 of 2012
279	M/s. R.B. Wovens (P) Ltd.	5910 of 2012
280	Shakthi Murugan Textiles	5911 of 2012
281	M/s. Sambandam Spinning Mills Ltd.	5912 of 2012
282	GTN Enterprises Ltd.	5913 of 2012
283	GTN Enterprises Ltd	5915 of 2012
284	Sambandam Siva Textiles Pvt Ltd.	5916 of 2012
285	Sambandam Spinning Mills Ltd.	5917 of 2012
286	Adwaith Textiles Limited	5919 of 2012
287	Rajave Textiles P.Ltd	5920 of 2012
288	Palladam Hi-Tech Weaving Park	5921 of 2012
289	S.Delphi-TVS Diesel Systems Ltd	5922 of 2012
290	Aquasub Engineering	5924 of 2012
291	CAV Cotton Mills Ltd.	5925 of 2012
292	Tirupur Export Knitwear	5926 of 2012
293	Thirumathi Muthammal Textiles Pvt. Ltd.	5927 of 2012
294	Sri Marudhamalai Andavar Spinning Mills	5928 of 2012
295	Suriyavarada Spinning Mills	5930 of 2012
296	Sri Saradhambika Spintax (P) Ltd.	5931 of 2012

297	Sri Saradhambika Spintax (P) Ltd.	5931 of 2012
298	Suliman Steels	5932 of 2012
299	Suliman Steels	5932 of 2012
300	Sundaram Textiles Ltd.	5933 of 2012
301	Sundaram Textiles Ltd.	5933 of 2012
302	Cheslind Textiles Ltd.	5934 of 2012
303	Cheslind Textiles Ltd.	5934 of 2012
304	Sundaram Textiles Limited	5935 of 2012
305	Sundaram Textiles Limited	5935 of 2012
306	Unicone	5936 of 2012
307	Unicone	5936 of 2012
308	Thai Plastic Pvt Ltd.	5937 of 2012
309	Thai Plastic Pvt. Ltd.	5937 of 2012
310	Malar Solvent Extraction (P) Ltd.	5938 of 2012
311	Malar Solvent Extraction (P) Ltd.	5938 of 2012
312	Karthikeya Paper & Boards Ltd.	5939 of 2012
313	Kartikeya Paper & Boards Ltd.	5939 of 2012
314	Texcel International Ovt. Ltd.	5940 of 2012
315	Texcel International Pvt Ltd.	5940 of 2012
316	Malar Paper Mills (P) Ltd.	5941 of 2012
317	Malar Paper Mills (P) Ltd.	5941 of 2012
318	Lakshmi Saraswathi Cotton Mills (P) Ltd.	5942 of 2012
319	Angalakshmi Spinning Mill	5943 of 2012
320	Divya Spinning Mills (P) Ltd,	5944 of 2012
321	Ranger Cotton Mills (India) Pvt. Ltd.	5947 of 2012
322	Tulsyan NEC Limited	5948 of 2012
323	Tulsyan NEC Limited	5949 of 2012
324	Tulsyan NEC Limited	5950 of 2012
325	Sree Kaderi Ambal Mills Ltd.	5951 of 2012
326	Chitrakoot Steel & Pvt Ltd.	5952 of 2012
327	Tulsyan NEC Ltd.	5953 of 2012
328	Sree Kaderi Ambal Mills Ltd.	5954 of 2012
329	Raju Spinning Mills Pvt Ltd.	5965 of 2012
330	Raju Spinning Mills (P) Ltd.	5966 of 2012
331	Saravana Polythreads (P) Ltd.	5967 of 2012
332	Raju Spinning Mills (P) Ltd.	5968 of 2012
333	ATC Tires (P) Ltd.	5969 of 2012
334	Sambandam Spinning Mills Ltd.	5970 of 2012
335	Super Spinning Mills Ltd.	5971 of 2012
336	Senthilnathan Spinning Mills (P) Ltd.	5974 of 2012
337	Arun Smelters (P) Ltd,	5976 of 2012
338	Arun Smelters (P) Ltd.	5976 of 2012
339	Surya Dev Alloys & Powers Ltd.	5977 of 2012
340	Surya Dev Alloys & Powers Ltd	5977 of 2012
341	Govaan Steels (P) Ltd.	5978 of 2012
342	Govaan Steels (P) Ltd.	5978 of 2012
343	Arun Vyar Udyog (P) Ltd.	5979 of 2012
344	Arun Vyapar Udyog (P) Ltd.	5979 of 2012
345	Arun Vyapar Udyog Ltd.	5980 of 2012
346	Arun Vyapar Udyog Ltd.	5980 of 2012

347	R.B.A. Exporters (P) Ltd.	5981 of 2012
348	R.B.A. Exporters (P) Ltd.	5981 of 2012
349	Arruppukottai Shri Jayavilas Tamilpadi	5982 of 2012
350	Aruppukottai Shri Jayavilas	5982 of 2012
351	Rangamma Steels and Malleables	5983 of 2012
352	Rangamma Steels and Malleables	5983 of 2012
353	TCP Limited	5984 of 2012
354	Shri Mookambiga Spinning Mills Ltd.	5985 of 2012
355	Sterlite Industries (India) Ltd.	5986 of 2012
356	Cape Flour Mills (P) Limited	5987 of 2012
357	Simpson & Co Ltd.	6039 & 6040 of 2012
358	Chemplast Sanmar Ltd	6042-6050 of 2012
359	Sanmar Industries Ltd	6043, 6048 & 6049 of 2012
360	Xomoxsanmar Ltd	6044,6046 of 2012
361	Tyco Sanmar Ltd	6045 of 2012
362	BS & B Safety Systems (India) Ltd	6047 of 2012
363	Sri Andal Paper Mills (P) Ltd	6110 of 2012
364	M/s. Sree Kailai Spinnners Pvt. Ltd.	6114 of 2012
365	M/s. Speedline Spinnners India Pvt. Ltd.	6115 of 2012
366	Sri Andal Paper and Boards (P) Ltd.	6117 of 2012
367	Kayaar Exports P Ltd.	6121 of 2012
368	Tamil Nadu Electricity Consumer's Association	6122 of 2012
369	Praxair India Pvt. Ltd.	6123 of 2012
370	Kandagiri Spinning Mills	6124 of 2012
371	Ranba Castings Limited	6125 of 2012
372	V.R. Foundries	6126 of 2012
373	Kandagiri Spinning Mills Ltd.	6127 of 2012
374	Anugraha Valve Castings Ltd.	6128 of 2012
375	Unicast Alloys Pvt Ltd.	6129 of 2012
376	Annur Satya textile Ltd.	6130 of 2012
377	Sakthi Auto Anciallary Pvt Ltd.	6131 of 2012
378	Mahendra Submersible Pumps Pvt. Ltd.	6132 of 2012
379	Rangasayee Alloy Castings	6133 of 2012
380	Unique Multifilms Virudhunagar Pvt. Ltd.	6134 of 2012
381	South Ganga Waters Technologies P. Ltd.	6135 of 2012
382	Selvam Traders (Textiles Division)	6136 of 2012
383	Ashok Leyland Limited	6137 of 2012
384	Shree M.T.K. Textiles Pvt. Ltd.	6138 of 2012
385	Global polybags Industries Pvt. Ltd.	6139 of 2012
386	Sunrise Knitting Mills	6140 of 2012
387	Kothari Petrochemicals Ltd.	6141 of 2012
388	G. Ezhil, Director - Marketing & Finance	6142 of 2012
389	M/s. Saranya Spinning Mills (P) Ltd.	6143 of 2012
390	M/s. Subam Papers (P) Ltd.	6144 of 2012
391	M/s. Van Tex Ltd.	6145 of 2012
392	M/s. Pallipalayam Spinnners (P) Ltd.	6146 of 2012
393	M/s. Divya Lakshmi Textiles (P) Ltd.	6147 of 2012
394	M/s. Chinniappa Yarn Spinnners (P) Ltd.	6148 of 2012
395	M/s. Sulochana Cotton Spinning Mills (P) Ltd.	6149 of 2012
396	Sri Jayajothi & Co. Ltd.	6150 of 2012

397	V.B. Medicare (P) Ltd.	6151 of 2012
398	Standard Spinning & Weaving Mills Ltd.	6152 of 2012
399	Armstrong Knitting Mills	6153 of 2012
400	Superfil Products Ltd.	6154 of 2012
401	Prabhu Textiles	6156 of 2012
402	Sanmar Ferrotech Limited	6157 of 2012
403	M/s. Ponneri Steel Industries	6158 of 2012
404	M/s. Sabari Textiles Pvt. Ltd.	6159 of 2012
405	M/s. Meenakshi Udyog (India) Pvt. Ltd.	6160 of 2012
406	M/s. GBR Metals Pvt. Ltd.	6161 of 2012
407	M/s. GBR Metals Pvt. Ltd.	6162 of 2012
408	M/s. A.R.S. Metals Pvt. Ltd.	6163 of 2012
409	M/s. A.R.S. Metals Pvt. Ltd.	6164 of 2012
410	M/s. Kahishk Steel Industries Ltd.	6165 of 2012
411	M/s. Kanishk Steel Industries Ltd.	6166 of 2012
412	M/s. RAI Steels and Energy Pvt. Ltd.	6167 of 2012
413	National Plastic Technologies Ltd.	6168 of 2012
414	National Autoplast	6169 of 2012
415	Sri Valliarsi Yarns (P) Ltd.	6171 of 2012
416	Fenner (India) Ltd.	6178 of 2012
417	Sri Jayamalar Spinning Mills P. Ltd	6179 of 2012
418	Kandagiri Spinning Mills Ltd.	6181 of 2012
419	CPC Ltd.	6182 of 2012
420	Anugraha Valve Castings Ltd.	6183 of 2012
421	J.S. Auto Cast Foundry India Pvt. Ltd.	6184 of 2012
422	Aranthaangi Chemical Products Ltd.	6185 of 2012
423	Kandagiri Spinning Mills Ltd.	6186 of 2012
424	Velumani Engineering Industry	6187 of 2012
425	Mangna Electro Castings Ltd.	6188 of 2012
426	V.R. Textiles Private Limited	6228 of 2012
427	Diya Industries Pvt. Ltd.	6229 of 2012
428	Express Infrastructure Pvt Ltd.	6244 of 2012
429	Power Link System Pvt. Ltd.	6301 of 2012
430	Sri Vasudeva Textiles	6302 of 2012
431	Vijay Cements	6303 of 2012
432	Balu Spinning Mills Pvt Ltd.	6304 of 2012
433	Green Infra Wind Farms Ltd.	6305 of 2012
434	Sam Turbo Industry Ltd.	6307 of 2012
435	Kathikeya Industries	6310 of 2012
436	Wabco India Limited	6311 of 2012
437	Annur Cauvery Spintex P. Ltd.	6312 of 2012
438	Velatal Spinning Mills P. Ltd.	6313 of 2012
439	Pioneer Processing India	6314 of 2012
440	Lakshmi Saraswathi Textiles Ltd.	6315 of 2012
441	Sri Madurai Meenakshi Amman Steel Re-Rolling India Pvt Ltd.	6316 of 2012
442	India Pistons Ltd.	6330 of 2012
443	M/s. Shardlow India Ltd.	6331 of 2012
444	Rajalakshmi Spinners Pvt. Ltd.	6332 of 2012
445	Rajalakshmi Spinners Pvt. Ltd.	6332 of 2012
446	Paramount Textiles Mills (P) Ltd.	6345 of 2012

447	C.R.I. Pumps Pvt. Ltd.	6347 of 2012
448	C.R.I. Pumps Pvt Ltd.	6349 of 2012
449	M/s. K.P.R. Mill Ltd.	6365 of 2012
450	M/s. K.K.P. Spinning Mills Ltd.	6366 of 2012
451	M/s. Best Cotton Mills	6367 of 2012
452	M/s. Maris Spinners Ltd.	6368 of 2012
453	M/s. Lambodhara Textiles Ltd.	6369 of 2012
454	M/s. Thakadoor Spinning Mills P. Ltd.	6370 of 2012
455	M/s. Annamalaiyar Mills (P) Ltd.	6371 of 2012
456	M/s. Paragon Paper Private Limited	6372 of 2012
457	M/s. ELJAY Textile (P) Ltd.	6373 of 2012
458	Sree Rengaraj Steels and Alloys (P) Ltd.	6378 of 2012
459	Sri Venkateswara Steel Industries	6379 of 2012
460	Vinayaka Alloys Ltd.	6380 of 2012
461	Triveni alloys Ltd.	6381 of 2012
462	Thangam Steels Ltd.	6382 of 2012
463	Vaibhav Mercantile Ltd.	6383 of 2012
464	D.S. Metals Pvt. Ltd.	6384 of 2012
465	Karthikeya Spinning Mills (P) Ltd.	6386 & 6387 of 2012
466	Durakraft Papers (P) Ltd	6391 of 2012
467	M/s. Combodia Mills	6400 of 2012
468	M/s. Sri Rangavilas GS&W Mills	6401 of 2012
469	M/s. Coimbatore Murugan Mills	6402 of 2012
470	M/s. Pankaja Mills	6403 of 2012
471	M/s. Annamalaiyar Spinners (P) Ltd.	6404 of 2012
472	M/s. Sarmangal Synthetics (Pvt) Ltd.	6405 of 2012
473	M/s. Sri Raja Vinayagar Mills	6406 of 2012
474	M/s. Sree Sreenivasa Paper Mill	6407 of 2012
475	M/s. Akshara Textiles	6408 of 2012
476	M/s. P.S.K. Textiles India (P) Ltd.	6409 of 2012
477	M/s. Cotton Blossom (India) Ltd.	6410 of 2012
478	M/s. Sri Alamelu Ammal Mills India (P) Ltd.	6411 of 2012
479	M/s. Mrinal Spinning Mills	6412 of 2012
480	M/s. Tirupur Thirukkimaran Textiles Pvt. Ltd.	6413 of 2012
481	Purani Textiles Pvt. Ltd.	6414 of 2012
482	Suriya Spinning Mills	6428 of 2012
483	Sri Hari Venkatesara Paper Mills P. Ltd.	6429 of 2012
484	OPG Power Generation Pvt Ltd.	6430 of 2012
485	Suriya Spinning Mills	6431 of 2012
486	Sangeeth Textiles Pvt. Ltd.	6432 of 2012
487	Tuticorin Salt and Marine Chemicals Limited	6433 of 2012
488	OPG Renewable Energy Pvt Ltd.	6434 of 2012
489	OPG Energy Pvt Ltd.	6435 of 2012
490	C.R.I. Pumps Pvt. Ltd.	6438 of 2012
491	Deccan Wires & Welding Products P. Ltd	6451 of 2012
492	K.K.P. Textile Ltd	6452 of 2012
493	Avaneetha Textiles P.Ltd	6453 of 2012
494	Superfil Products Ltd	6454 of 2012
495	Sri Saravana Spinning Mills P.Ltd	6455 of 2012
496	Everwin Textile Mills P.Ltd	6456 of 2012

497	Nithin Textiles (P) Ltd.	6457 of 2012
498	K.P.R. Mill Ltd.	6458 of 2012
499	Sri Saravana Spinning Mills (P) Ltd.	6459 of 2012
500	Sri Ram Santhosh	6460 of 2012
501	M/s. Shalivahana Wind Energy Ltd.	6480 of 2012
502	RRD Tex	6491 of 2012
503	Rohini Textiles Industry P. Ltd	6492 of 2012
504	Ramprasad Tubes & Bars P. Ltd	6493 of 2012
505	Jayalakshmi Textiles P. Ltd	6494 of 2012
506	Sri Raghunanda Paper and Boards P.Ltd	6495 of 2012
507	Murugan Textiles	6496 of 2012
508	Shri Santosh Meenakshi Textiles P. Ltd	6497 of 2012
509	The Rajaratna Mills P. Ltd	6498 of 2012
510	Gangotri Textiles Ltd,Dindigul	6499 of 2012
511	Gangotri Textiles Ltd, Coimbatore	6500 of 2012
512	M/s. Sri Bhavani Textile Processors (P) Ltd.	6501 of 2012
513	M/s. Sarmagal Synthetics (Pvt) Ltd.	6502 of 2012
514	M/s. SJLT Textiles (P) Ltd.	6503 of 2012
515	M/s. Hindustan Spinners	6504 of 2012
516	M/s. SSM Fine Yarns	6505 of 2012
517	M/s. Gangotri Textiles Limited	6506 of 2012
518	M/s. Raghav Industries Limited	6507 of 2012
519	M/s. S.V.A. Syntex (P) Ltd.	6508 of 2012
520	M/s. K.P.R. Mill Ltd.	6509 of 2012
521	M/s. Sri Venkatachalapathi Paper & Boards (Pvt) Ltd.	6510 of 2012
522	M/s. Harini Colours	6511 of 2012
523	M/s. Sri Dwarka Textiles	6512 of 2012
524	United Bleachers Ltd.	6538 of 2012
525	Sutherland Global Services Pvt Ltd.	6540 of 2012
526	Shardlow India (P) Ltd.	6563 of 2012
527	Aruna Alloy Steels Pvt. Ltd.	6567 of 2012
528	Aruna Alloy Steels P. Ltd	6568 of 2012
529	Flmidth Pvt Ltd.	6574 of 2012
530	T.T. Limited	6601 of 2012
531	Centwin Textile Mills (P) Ltd.	6602 of 2012
532	Guhan Textile Mills (P) Ltd.	6603 of 2012
533	Vajram Spinning Mills (P) Ltd.	6604 of 2012
534	Srisri Nivas Paper Mills Pvt Ltd.	6605 of 2012
535	M/s. Sandfits Foundries Pvt. Ltd.	6623 of 2012
536	Shivraj Textiles	6630 of 2012
537	M/s. S.V.P.B Spinners (P) Ltd.	6688 of 2012
538	M/s. V.G. Textiles (P) Ltd.	6689 of 2012
539	M/s. Sri Lakshmi Saraswathi Textiles (Arni) Ltd.	6690 of 2012
540	M/s. Leeds Spinning Mills (P) Ltd.	6691 of 2012
541	M/s. The Venkatesa Mills Ltd.	6692 of 2012
542	M/s. Sri Jayajothi & Co. Ltd.	6693 of 2012
543	M/s. SJLT Spinning Mills (P) Ltd.	6694 of 2012
544	M/s. Elkaypee Spinners (P) Ltd.	6695 of 2012
545	M/s. Parani Spinning Mills (P) Ltd.	6696 of 2012
546	United Foundries Pvt. Ltd.	6744 of 2012

547	Dhandapani Cements Pvt Ltd.	6745 of 2012
548	Muthur Murugan Mills Ltd.	6750 of 2012
549	Chiranjilal Spinners (P) Limited	6751 of 2012
550	Eastern Condiments (P) Ltd.	6752 of 2012
551	D.B.V. Cotton Mills (Pvt) Ltd.	6753 of 2012
552	SMP Textiles Mills (P) Ltd.	6754 of 2012
553	Viki Industries (P) Ltd.	6755 of 2012
554	Sabari Alloys and Metals	6757 of 2012
555	Naachiar Paper Boards P. Ltd.	6767 of 2012
556	Ampukottai Shri Vijayalakshmi Textiles Mills P. Ltd.	6768 of 2012
557	Supreme Goated Board Mills (P) Ltd.	6769 of 2012
558	M/s. Chamundi Steel Castings (I) Ltd.	6790 of 2012, 6791 of 2012
559	M/s. A.R.S. Metals (P) Ltd.	6792 of 2012
560	M/s. Sujana Metal Products Ltd.	6793 of 2012
561	M/s. M.S. Tower Steels Ltd.	6794 of 2012
562	Fuso Glass India P Ltd.	6835 of 2012
563	Thejo Engineering Services (P) Ltd.	6871 of 2012
564	Gobi Textiles Ltd.	6872 of 2012
565	J.R. Smelters Pvt. Ltd.	6873 of 2012
566	J.R. Metal Chennai Ltd.	6874 of 2012
567	M/s. Mountain Spinning Mills Limited	6902 of 2012
568	M/s. Tuticorin Spinning Mills Ltd.	6903 of 2012
569	M/s. Indian Green Grid Group Ltd.	6904 of 2012
570	M/s. Sanpreet Castings Pvt. Ltd.	6905 of 2012
571	Shree Raam Mills	6924 of 2012
572	Prabu Spinning Mills (P) Ltd.	6970 of 2012
573	Sri Velayuthaswamy Spinning Mills (P) Ltd.	6970 of 2012
574	Vedha Spinning Mills (P) Ltd.	6970 of 2012
575	Sudden Spinning Mills (P) Ltd.	6970 of 2012
576	Sivaraj Spinning Mills (P) Ltd.	6970 of 2012
577	Sri Matha Spinning Mills (P) Ltd.	6970 of 2012
578	Sri Shanmugavel Mills (P) Ltd.	6970 of 2012
579	Adi Sankara Spinning Mills (P) Ltd.	6970 of 2012
580	Sri Sankari Yarns (P) Ltd,	6970 of 2012
581	Sri Siddhi Vinayaga Tex (India) (P) Ltd.	6970 of 2012
582	Vishnu Fabrics	6970 of 2012
583	Prasanna Spinning Mills (P) Ltd.	6970 of 2012
584	Prasanna Spinning Mills (P) Ltd.	6970 of 2012
585	Naveen Cotton Mill (P) Ltd.	6972 of 2012
586	Sree Jayasubha spinners Pvt Ltd.	6979 of 2012
587	Maharaja Theme Parks and Resorts Ltd.	6979 of 2012
588	Shiny Knitwear	6980 of 2012
589	Shasun Pharmaceuticals Ltd.	6981 of 2012
590	Sunark Aluminium Industries (P) Ltd.	7025 of 2012
591	SKM Universal Marketing Co. Ltd.	7026 of 2012
592	United Metal Industries	7027 of 2012
593	Ultra Tech Cement Ltd.	7028 of 2012
594	Ramco Industries Limited	7029 of 2012
595	KOG - KTV Food Products (I) Pvt. Ltd.	7030 of 2012
596	Sri Vishnuperumal Spin Yarn Ltd.	7148 of 2012

597	Chambala Tea Factory Pvt Ltd.	7232 of 2012
598	K.T.V. Health Foods Pvt. Ltd.	7233 of 2012
599	S.C.P. Aquaculture India Pvt Ltd.	7234 of 2012
600	KLRF Limited	7235 of 2012
601	Mercury Manufacturing Company Ltd.	7236 of 2012
602	Uniply Industries Ltd.	7296 of 2012
603	Sri Vishnu Perumaal Spin Yarn Ltd.	7303 of 2012
604	Tamilnadu Steel Tubes Ltd	7316 of 2012
605	M/s. Khivraj Tech Park Pvt. Ltd.	7327 of 2012
606	M/s. Lakshmi Card Clothing Manufacturing Co. Pvt. Ltd.	7328 of 2012
607	Vishnuvardhan Paper Mills (P) Ltd.	7353 of 2012
608	High Energy Batteries (India) Ltd (HBB)	7354 of 2012
609	M/s. M.S.S. Mills	7357 of 2012
610	Sabari Alloys and Metals (I) Pvt. Ltd.	7384 of 2012
611	VBC Associates	7409 of 2012
612	Best Cast IT Limited	7460 of 2012
613	M/s. Rishab Infopark Private Limited	7523 of 2012
614	Meera Textiles (P) Ltd.	7526 of 2012
615	Excel Cotspin India (P) Ltd.	7526 of 2012
616	Pallava Spinning Mills (P) Ltd.	7526 of 2012
617	Pandian Textiles Mills (P) Ltd.	7526 of 2012
618	Cheran Spinning Mills (P) Ltd.	7526 of 2012
619	Iswari Spinning Mills (P) Ltd.	7526 of 2012
620	Chola Textiles (P) Ltd.	7526 of 2012
621	Raja Shree Spintex (P) Ltd.	7526 of 2012
622	Shree Vari Multiplast India (P) Ltd.	7596 of 2012
623	Dhandapani Spun Bond	7597 of 2012
624	Farida Shoes (P) Ltd.	7631 of 2012
625	Arcot soles (P) Ltd.	7632 of 2012
626	M/s. ELGI Rubber Company Ltd.	7728 of 2012
627	Sudirman Paper (P) Ltd.	7889 of 2012
628	Sudirman Paper (P) Ltd.	7889 of 2012
629	Raj Renga Textiles (P) Ltd.	7895 of 2012
630	Chennai Citicentre Holdings Pvt. Ltd.	8061 of 2012
631	Chennai Citicentre Holding Pvt. Ltd.	8061 of 2012
632	Magna Electro Castings Ltd	8270 of 2012
633	Sri Hariprasath Textiles P. Ltd	8916 of 2012
634	Rasi Tex (in) P. Ltd	8917 of 2012
635	Dollar Industries Ltd	8918 of 2012
636	Cheran Spinners Ltd	8919 of 2012
637	Silver Spring Spinners India P. Ltd	8920 of 2012
638	Sri Karpagam Mills India (P) Ltd.	8976 of 2012
639	Aadhivinayaga Spinners	8977 of 2012
640	P.K.P.N. Spinning Mills (P) Ltd.	9106 of 2012
641	J.P.P. Mill (P) Ltd.	9107 of 2012
642	Arunachalam Gounder Textile Mills (P) Ltd.	9108 of 2012
643	Thangavelu Spinning Mills P.Ltd	9112 of 2012
644	Arthanari Loom Centre	9113 of 2012
645	Shri Saravana Balaji Textiles	9189 of 2012
646	M/s. Amarjothi Spinning Mills Ltd.	9189 of 2012

647	M/s. Amarjothi Spinning Mills Ltd.	9189 of 2012
648	M/s. Amarjothi colour Melange Spinning Mills Ltd	9189 of 2012
649	M/s. Kumaran Gin and Pressing Pvt Ltd.	9189 of 2012
650	M/s. Chandra Mouleshvar Spinning Mills	9189 of 2012
651	M/s. Vidyaa Karthick Spinning Mills	9189 of 2012
652	M/s. N.S. P. Knitting Mills	9189 of 2012
653	M/s. Vinayakha Spinning Mills Pvt Ltd.	9189 of 2012
654	Prince Yarnn India Ltd.	9189 of 2012
655	SA Textiles (P) Ltd.	9529 of 2012
656	V.N.S. Spinning Mills India Pvt Ltd.	9591 of 2012
657	M/s. Aswin Textiles (P) Ltd.	9736 of 2012
658	M/s. R.G. Spinning Mills Ltd.	9736 of 2012
659	M/s. M.C. Spinners (P) Ltd.	9736 of 2012
660	M/s. Deventhira Spinners (P) Ltd.	9736 of 2012
661	M/s. Mehala Carona Textiles (P) Ltd.	9736 of 2012
662	M/s. Mehala Carona Textiles (P) Ltd.	9736 of 2012
663	M/s. J.P. Spinning Mills (P) Ltd.	9736 of 2012
664	M/s. S.P. Spinning Mills (P) Ltd.	9736 of 2012
665	J.P.P. Mill (P) Limited	10582 of 2012
666	M/s. S.P. Apparels Ltd.	11725 of 2012
667	M/s. BYD Electronics India (P) Ltd.	11726 of 2012
668	Sri Ranga Textiles	12153 of 2012
669	Rajalakshmi Textiles Processors Pvt Ltd.	12154 of 2012
670	Gomuki Spinning Mills Ltd.	12402 of 2012
671	Gomuki Spinning Mills Ltd.	12402 of 2012
672	B.K.S. Textiles Pvt Ltd.	12621 of 2012
673	Coral Rewinding India Pvt Ltd.	12989 of 2012
674	Sri Arumuga Cotspin Pvt. Ltd	13299 of 2012
675	Praxair India Pvt Ltd.	13591 of 2012
676	Praxair India P.Ltd (Adv. Vichar Partners)	13951 of 2012
677	Plascare Industries Pvt Ltd.	13996 of 2012
678	Ennar Spinning Mills Pvt Ltd.	14071 of 2012
679	Vibgyor automotive Pvt Ltd.	14072 of 2012
680	Sanmar Ferrotech Ltd.	14264 of 2012
681	Gulyam Cotspin	14360 of 2012
682	Tamilnadu Petroproducts Limited	22321 and 22322 of 2012