

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

PRESENT:

Thiru S.Kabilan	-	Chairman
Thiru R.Rajupandi	-	Member
Thiru K.Venugopal	-	Member

Date of hearing: 6-1-2010

Date of Order: 29-1-2010

R.P.No.3 of 2009

In the matter of orders requesting to drop the action against the CE (NCES), TNEB.

Tamil Nadu Electricity Board
No.144, Anna Salai
Chennai 600 002

... Petitioner

The above R.P.No.3 of 2009 came up for final hearing on the 6th January 2010 before the Commission. The Commission upon perusing the above petition and the connected records and after hearing the CE (NCES) passes the following:

ORDER

1. Prayer of the petitioner in R.P.No.3 of 2009

The prayer in R.P.No.3 of 2009 is to expunge the adverse remarks against CE (NCES), TNEB as ordered by the Commission in its Order dated 29th June 2009. The said Order dated 29th June 2009 reads as follows:

“The Chief Engineer (NCES) appeared before the Commission and defended his order. Despite his proven ignorance of the Electricity Act 2003, there was no offer of apology in his reply to the show cause notice. The Commission would have been inclined to accept an apology and drop further proceedings in such a situation. Since no such option is available to the Commission, we deem it fit to come to the conclusion that the understanding of this officer of the Electricity Act 2003 is woefully inadequate. This position needs to be duly reflected in the Annual Confidential Report of the officer. The Chairman, TNEB is directed to ensure that the order of the Commission is carried out and report compliance within six months”

2. Averments in the R.P.No.3 of 2009

(a) In show cause notice dated 6-1-2009 CE (NCES),TNEB was directed to show cause by 31-1-2009 as to why appropriate proceeding should not be initiated against him under Section 142 of the Electricity Act 2003 for contravention of Section 62 of the Electricity Act 2003.

(b) In letter dated 30-1-2009, the reply to the above show cause notice was submitted by the CE (NCES). In the above reply, the act of CE (NCES) tendering his apology was omitted inadvertently. The above omission is neither willful nor wanton. CE (NCES) has utmost respect and regard for this Hon'ble Commission.

(c) The fixation of price of Rs.7.40 was tentative.

3. Findings of the Commission

3.1 The CE (NCES) submits that although his written reply did not offer apology, when he appeared before the Commission on 1-4-2009 he tendered apology which has not been recorded by the Commission.

3.2 The Commission does not recollect at this distant point of time whether an oral apology was tendered. The subsequent conduct of the officer has shown the same tendency to violate the orders of the Commission. He has been punished with a fine of Rupees ten thousand in a case relating to non implementation of the Order No.1 dated 20-3-2009 of the Commission. The fine was imposed in the order of the Commission dated 29-1-2010. Therefore the Commission is unable to take a lenient view. The order of the Commission dated 29-6-2009 in the present case is reiterated and the review petition is dismissed.

4. Appeal

An appeal against this Order lies to the Appellate Tribunal for Electricity as per Section 111 of the Electricity Act 2003 within a period of forty five days.

(Sd.....)
K.Venugopal
Member-II

(Sd.....)
R.Rajupandi
Member-I

(Sd.....)
S.Kabilan
Chairman

/ True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission