

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.K.Venugopal **Member**

and

Thiru.S.Nagalsamy **Member**

D.R.P. No. 12 of 2010

M/s. Standard Spinning and
 Weaving Mills Limited
 Chinnapandithanpatti
 Near Malli Village
 Srivailliputhur Taluk – 626 141
 Virudhunagar District.

.... Petitioner
 (Thiru. Rahul Balaji, Advocate for Petitioner)

Vs.

1. The Chairman
 Tamil Nadu Electricity Board
 No.144, Anna Salai
 Chennai – 600 002.

2. The Superintending Engineer
 Tamil Nadu Electricity Board
 Virudhunagar.

.... Respondents
 (Thiru.Mohammed Rafi, Advocate for Respondents)

Dates of hearing: 24-1-2011 and 14-3-2011

Date of Order : 14-3-2011

D.R.P.No.12 of 2010 came up for final hearing before the Commission on **14-03-2011**. The Commission upon perusing the above D.R.P.No.12 of 2010 and other connected records and after hearing both sides passes the following:-

ORDER**1. Prayer in D.R.P. No.12 of 2010:-**

To direct the Respondents to permit adjustment of peak hour generation and banked units by the Wind Energy Generators owned by it at its consumption end at its factory bearing HTSC No. 183 in Virudhunagar Distribution Circle during both morning and evening peak hours generation for morning peak hour and evening peak hour for purposes of adjustment without splitting the peak hour / thereby permitting slot to slot adjustment of peak hour generation to peak hour consumption and maximum utilization of all peak hour banked units and pass such other orders as this Hon'ble Commission may deem fit.

2. Facts of the case :-

2.1 The Petitioner has set up a spinning and weaving mills, having its factory in Malli Village in Srivilluputhur Taluk, Virudhunagar District. The Petitioner has been granted a sanctioned demand of 3250 KVA and in view of substantial demand for power for its operations and being encouraged by the benefits given for wind energy generation and also with a view to captively adjust such generation, the Petitioner put up wind mills in Tirunelveli, Nagercoil and Kanyakumari Districts, with a total capacity of 4.5 MW and has entered into energy wheeling agreements with the Respondents in that regard.

2.2 The Petitioner has been faced with a peculiar situation where, contrary to the express orders passed by this Hon'ble Commission in M.P. No. 42 of 2008 and the subsequent order in Suo Motu Order No. 1 of 2009, the Petitioner has

been disabled from adjusting the units generated during peak hours on unit to unit basis due to the Respondents' action in only giving adjustment in respect of 50% of the peak hour generation units by adjustment of the same during evening peak hours and not permitting adjustment of the balance 50%, in view of the power cuts that are imposed during morning peak hours.

3. **Contentions of the Petitioner:-**

3.1 While at the generation end, it is a 3 slot TOD meter, at the consumption end it is a 5 slot meter. Therefore, in the application of adjustment of power and drawal of banked energy, the Tamil Nadu Electricity Board takes the entire peak hour generation as one block and divide the same into two with adjustment of 50% of the units during morning peak hours and the balance 50% towards evening peak hours. This has resulted in a grave and irreparable prejudice and hardship to it. This has been caused because of the peculiar situation prevailing at the feeder through which the Petitioner has been granted its HT service connection. The District Court, Virudhunagar is situate close to the Petitioner's factory and is connected through the same feeder put up by the Tamil Nadu Electricity Board. The Tamil Nadu Electricity Board resorts to power cuts for various duration, depending upon the availability and makes announcements in this regard. As part of its power management, the Tamil Nadu Electricity Board imposes power cuts on the basis of the energy fixed from time to time on rotational basis whereby power cuts in respect of other areas in Tamil Nadu are presently on 2 hour block on rotational basis whereby the power cut is imposed at different times with the timings being changed every month.

3.2 Due to creation of District Court and sharing of power through the same industrial feeder and the requirement to supply power on continuous basis during the court working hours, the power cut is always imposed during morning peak hours i.e. between 6.00 a.m. and 8.00 a.m. or between 8.00 a.m. and 10.00 a.m. and the power cut is not shifted to any other time since the court is functioning thereafter. In view of the fact that the morning peak hours in terms of Tamil Nadu Electricity Board's Regulations at the consumption end are between 6.00 a.m. and 9.00 a.m., it has resulted in a peculiar situation whereby, due to the manner in which adjustment is permitted, the Petitioner has not been able to draw power due to shut down during substantial portion of the morning peak hours timings and therefore it has led to a large accumulation of banked units that are attributable to the morning peak hour allotment from the generated units.

3.3 It would be impossible for the Petitioner to adjust such banked units and it would result in the units getting lapsed at the end of the year. The Petitioner is caused additional prejudice by the fact that not only it is prevented from adjusting its banked units during peak hours by the arbitrary splitting up of its peak hour units that are generated, the Petitioner would also be liable to be compensated at a much lower rate under the energy wheeling agreement and that too only for 75% of the banked units. The Petitioner is in dire requirement of power and would be in a position to use accumulated banked units under the peak hour category towards its evening peak hour requirements since it is effectively being prevented from utilizing it during morning peak hours.

3.4 The Petitioner has already issued a communication dated 27-04-2010 to the first Respondent. However, there has been no response to the same.

4. **Contentions of the Respondents in Counter Affidavits :-**

4.1 The generated units were adjusted against their consumption in the respective slots i.e. peak hour to peak hour, off peak hour to off peak hour and normal hours to normal hours as per the Tamil Nadu Electricity Regulatory Commission Order No.2 dated 15-05-2006. This is followed from the date of the above order and R & C period also. In generation end 3 slot meter is available and in the user end 5 slot meter is available. Based on the units generated by the wind mills, the units are adjusted against the respective slot. Due to R & C measures, now 90% power cut is imposed for evening peak hours (6.00 p.m. to 10.00 p.m.) and 20% power cut is imposed for morning peak hour and other hours. Hence the peak hour generation is taken as one block and divided into two. One portion of the units are adjusted in morning peak hour and the another portion is adjusted in the evening peak hour.

4.2 The load shedding is unavoidable due to the shortage of power. The licensee shall not be responsible for any loss or inconvenience caused to the consumer as a result of curtailment, staggering, restriction, regulation or cessation of use of electricity in view of Clause 38 of the Distribution Code and that 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.

4.3 The Petitioner has also agreed that the licensee shall have the right to enhance the rates etc. chargeable for supply of electricity according to exigencies again with the approval of Tamil Nadu Electricity Regulatory Commission and it is also open to restrict or impose power cuts totally or partially at any time as it deems fit in the 7th para of agreement as instructed by this Hon'ble Tamil Nadu Electricity Regulatory Commission. As such the Petitioner's grievance is baseless.

4.4 The Petitioner has also availed the excess energy in the peak hour quota due to availability of wind mill generation up to their base demand and base energy as per the instruction issued by the Hon'ble Tamil Nadu Electricity Regulatory Commission order dated 28-10-2009 vide Suo Motu Proceedings No.1 of 2009.

4.5 The load shedding is carried out throughout Tamil Nadu based on the R & C measures. The load shedding is unavoidable due to the power crisis. The adjustment of units as desired by the Petitioner is not sustainable in the eyes of law.

4.6 The consumer has not come forward to redress their grievance before the TANGEDCO / erstwhile Tamil Nadu Electricity Board before approaching the Hon'ble Tamil Nadu Electricity Regulatory Commission.

4.7 The Petitioner has raised this complaint due to power cut between 6.00 a.m. to 8.00 a.m. or from 8.00 a.m. to 10.00 p.m. This power cut is imposed on the request of the District Court authorities based on the R & C measures. The technical feasibility of altering the power cut hours to find a solution to the consumer's grievance is under examination.

5. Arguments:-

During arguments the Petitioner submitted that their mill is situated in Srivilliputhur Taluk close to the District Court Virudhunagar. Therefore, the tendency of the licensee is to restrict power during the early hours in the morning resorting to load shedding and not to effect power cut during office hours and also during evening. Therefore, the load shedding in the morning hours disables the mills to use the entire peak hour generation of its captive generator resulting in generated power going unadjusted. The representation made by the Petitioner to the Tamil Nadu Electricity Board did not yield any result. The Petitioner therefore prayed that the licensee may be directed to consider to provide separate feeder line for connecting the Petitioner's mill in exclusion of the District Court. The Tamil Nadu Electricity Board submitted that the Board is considering to set right the problem by providing a separate feeder line for the Petitioner's mill and some other HT consumers. The said submission of the Board is recorded.

6. Direction:-

The petition is closed with the direction that the Tamil Nadu Electricity Board should provide a feeder line to the Petitioner within a month. If there is delay in execution of this separate feeder line, the Petitioner may approach the Commission again.

7. Appeal:-

An appeal under section 111 of the Electricity Act, 2003 against this order shall lie to the Appellate Tribunal for electricity within a period of 45 days.

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

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

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

/ True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission