

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. 16 of 2011

- 1) Shree Ambika Sugars Ltd.,
Eldorado, 5th Floor
112, Nungambakkam High Road
Chennai.
- 2) Terra Energy Ltd.,
Eldorado, 5th Floor
112, Nungambakkam High Road
Chennai.

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

Vs.

- 1) The Chairman
TNEB
144, Anna Salai
Chennai – 600 002 and 3 others.

.... Respondents

Hearing Date : 16-11-2011

ORDER

Thiru. Rahul Balaji, Advocate appeared for the petitioner. Thiru. P.H. Vinod Pandian, Advocate appeared for the R1 to R3. Thiru. Varun Pathak, Advocate appeared for R4 namely PTC India Ltd.,. Thiru. Rahul Balaji contended that the Commission has jurisdiction to entertain the dispute between the petitioner and the 4th respondent / PTC which is a holder of trading license granted by the CERC. He furnished a copy of the Supreme Court judgment in Grid Corporation of Orissa Ltd.,

Vs. Gajendra Haldea and others [(2008) 13 SCC 414]. The counsel for the fourth respondent contended that the Commission has jurisdiction to deal with the dispute between the petitioner and the respondents 1 to 3 and as far as the fourth respondent is concerned the Commission has jurisdiction only to refer the dispute for Arbitration. He relied on the Supreme Court decision in Gujarat Urja case. He also furnished the copy of the decision of APTEL in Chhattisgarh State Power Trading Corporation Ltd., Vs. HERC etc., (Appeal No.52 of 2011). After hearing, the Commission reserved orders on the issue of jurisdiction.

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

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

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

/ True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission