

**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

**I.A.No.1 of 2011 in D.R.P. No. 21 of 2011**

Aswin Textiles (P) Ltd.,  
Therpattipirivu, Palani Road  
Dharapuram – 638 673.

..... Petitioner

(Thiru R.S. Pandiyaraj, Advocate for Petitioner)

Vs.

1) The Chief Financial Controller (Revenue)

No. 144, Anna Salai

Chennai – 600 002 and another.

..... Respondents

(Thiru.P.H. Vinod Pandian, Advocate for Respondents)

**Hearing Date 15-12-2011**

**ORDER**

Thiru. R. S. Pandiyaraj, Advocate appeared for the petitioner. The prayer of the petitioner is to set aside the penalty levied in pursuance of TNEB's BOAB Audit Report in Audit Slip No.33 dated 10-11-2011 for the alleged excess consumption in wind energy captive consumption for the month of April and May 2010. The Learned counsel for the petitioner contended that the petitioner has not exceeded the quota fixed by the respondent and the penalty was levied in November 2011 for the past period of April and May 2010 on the basis of Audit objections. He further contended that in W.P filed before the Hon'ble High Court challenging the levy of penalty in another case, the Superintending Engineer, Erode has filed a counter affidavit to the effect that the penalty levied would be refunded and no penalty will be levied till the case is finalized by TNERC as it had stayed the impugned letter

dated 25-6-2010. The Chief Financial Controller, TANGEDCO read the Audit objection in the instant case. After hearing both sides the Commission passed the following order:-

“Petition admitted and TANGEDCO to file counter within four weeks. The Interim Relief sought by the Petitioners is to stay disconnection for non-payment of dues. Interim relief from disconnection of service for non-payment of dues is granted. The main issue will be taken up when the Petition is posted for hearing.”

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

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

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

/ True Copy /

Secretary  
Tamil Nadu Electricity  
Regulatory Commission