

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

R.P. No. 4 of 2011

The Chief Financial Controller
TANGEDCO
144, Anna Salai, Chennai.

.... Petitioner

Vs.

Durgesh Nandhini Spinning Mills Ltd.,Respondent

Hearing Date : 15-11-2011

This review petition has been taken up for consideration along with R.P.No.4 of 2011 as the issues involved in the Review petitions are identical. The petition has been filed praying to review of the order dated 14-3-2011 passed in D.R.P. No. 14 of 2010 with regard to computation of excess demand charges levied and collected from the Respondents. The Commission enquired from the learned counsel for TNEB as to under which of the grounds of review provided in clause 43(1) of the TNERC's Conduct of Business Regulations 2004 the present petition falls. The learned counsel for TANGEDCO stated that on the principle of estoppel and on the ground of mistake of fact, the review has been filed. The Commission observed that the demand quota has been fixed by TNEB and the consumer has abided by the quota. The learned counsel for the Respondent contended that the

Petitioner cannot argue on merits in a review proceeding. In case, the case is to be argued on merits the Petitioner should have filed an appeal before the Appellate Tribunal for Electricity. The Commission is satisfied that the review petitioner has failed to successfully demonstrate any mistake of fact, ignorance of any material fact or any error apparent on the face of the record as stipulated in Clause 43 (1) of the Tamil Nadu Electricity Regulatory Commission Conduct of Business Regulations, 2004. Hence, the review petition is dismissed.

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

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

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

/ True Copy /

Secretary
Tamil Nadu Electricity Regulatory Commission