

**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.A. No. 1 of 2011**

TMT Muthammal Textiles Mills Ltd.,	....	Petitioner
	Vs.	

The Chairman, TNEB 144, Anna Salai, Chennai	.....	Respondent
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**Hearing Date : 25-11-2011**

**ORDER**

The counsel for the petitioners and the respondents were present. The limited question before the Commission is whether the date of relief should be 17-8-2010 or an earlier date. Learned counsel for the petitioner Thiru. N.L. Rajah argued that TNEB itself had brought down the open access limit to 500 KVA on 30-12-2008 and again to 250 KVA on 17-7-2009. The TNEB order also stated that consumer can procure upto the sanctioned demand. The TNEB instructions permitted the consumer to go upto the sanctioned demand. The petitioner pleaded that in view their own position on 30-12-2008 and 17-7-2009 the TNEB should be bound by their statement and therefore, they are eligible for procurement above

500 KVA from 30-12-2008 and 250 KVA from 17-7-2009 upto the sanctioned demand.

The learned counsel for the petitioner Thiru. Rahul Balaji stated that the issue arose on account of the open instructions issued by the TNEB dated 25-11-2009 consequent to the Suo moto proceedings No.1 of 2009

Learned counsel for TNEB submitted that retrospective implementation of the order of the Commission dated 7-9-2010 earlier than 17-8-2010 would impose severe financial hardship of Rs.30 crores on the TNEB. To the question as to why then the TNEB brought down the open access from the limit of 1 MW to 500 KVA on 30-12-2008 and further down to 250 KVA on 17-7-2010 and permitted the consumer to go upto the sanctioned demand by third party purchase, the learned counsel for TNEB did not have an answer. Orders reserved.

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

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

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

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Secretary  
Tamil Nadu Electricity Regulatory Commission

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**(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.A. No. 2 of 2011**

National Textiles Corporation Ltd.,	....	Petitioner
	Vs.	

The Chairman, TNEB 144, Anna Salai, Chennai	.....	Respondent
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**Hearing Date : 25-11-2011**

**ORDER**

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

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

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

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Thiru.K.Venugopal	....	Member
	and	
Thiru.S.Nagalsamy	....	Member

**R.A. No. 3 of 2011**

The Southern India Mills Association	....	Petitioner
	Vs.	
The Chairman, TNEB 144, Anna Salai, Chennai	.....	Respondent

**Hearing Date : 25-11-2011**

**ORDER**

The counsel for the petitioners and the respondents were present. The limited question before the Commission is whether the date of relief should be 17-8-2010 or an earlier date. Learned counsel for the petitioner Thiru. N.L. Rajah argued that TNEB itself had brought down the open access limit to 500 KVA on 30-12-2008 and again to 250 KVA on 17-7-2009. The TNEB order also stated that consumer can procure upto the sanctioned demand. The TNEB instructions permitted the consumer to go upto the sanctioned demand. The petitioner pleaded that in view their own position on 30-12-2008 and 17-7-2009 the TNEB should be bound by their statement and therefore, they are eligible for procurement above

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

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

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

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