

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**

Thiru. S. Nagalsamy **Member**

I.A.No.1 of 2011 in D.R.P.No.13 of 2011 & D.R.P.No.13 of 2011

Kaveri Gas Power Ltd
5, Ranganathan Garden
Anna Nagar, Chennai – 600 040. **Petitioner**
(Thiru. Vinod Kumar, Advocate for Petitioner)

Vs.

- 1.The Tamil Nadu Generation and Distribution Corporation Limited
Represented by its Director
800, Anna Salai, Chennai – 600 002.
2. The Superintending Engineer
Nagapattinam Electricity Distribution Circle
TANGEDCO, Nagapattinam
3. The Tamil Nadu Electricity Board
Represented by its Chairman
800, Anna Salai, Chennai – 600 002. **Respondents**
(Thiru.H.S. Mohammed Rafi,
Advocate for Respondents)

Dates of hearing : 20- 4-2011 & 21-4-2011

Date of order 21-4-2011

The above petitions were taken up for admission and for grant of interim stay on 21-4-2011. During the hearing Thiru. Vinod Kumar, Advocate for the petitioner submitted that the petition was filed to set aside the notices of

the 2nd respondent dated 25-2-2011 and 4-3-2011 demanding to pay Rs.34,21,003/- consequent on the implementation of TNERC Orders No. 2 & 4 dated 15-5-2006 with retrospective effect from 25-5-2006 to 22-9-2007 which sum has been revised to Rs.1,14,48,424/- by letter dated 4-3-2011.

The counsel for the respondents submitted that the Order No.2 & 4 of 2006 were implemented by the Licensee belatedly, i.e., from 19-10-2006. For the delay in implementation of the said orders the Commission imposed a penalty on the licensee. Though the petitioner was informed of the implementation of Orders No.2 & 4 as early as on 17-10-2007, the petitioner did not respond. The counsel for respondents further submitted that if the belated plea of the petitioner is to be accepted, a number of other customers will follow suit. After hearing the matter the Commission passed the following

INTERIM ORDER

The balance of convenience is against the petitioner. The payment may be made by the petitioner which will be subject to the outcome of the main petition. The petitioner is permitted to make the payment in four monthly instalments. The respondents are directed to file their counter within 4 weeks.

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

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

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

/ True Copy /

**Secretary
Tamil Nadu Electricity
Regulatory Commission**