

**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

**S.M.P. No. 7 of 2011**

Hi-Tech Mineral Industries Covai Pvt Ltd.  
Kottagoundenpatti Village  
Chellapillai Kuttai Post  
Omalur Road  
Salem

.... Petitioner

**Vs.**

Nil

.... Respondent

**Date of hearing : 13-9-2011**

**Date of Order : 7-10-2011**

S.M.P.No.7 of 2011 came up for hearing on 13-9-2011. The Commission after hearing the General Manager (Administration) of the M/s.Hi-Tech Mineral Industries Covai Pvt. Ltd. passes the following:-

**ORDER**

1. The Petitioner in their letter dated 5-7-2011 addressed to the Chairman of the Commission has stated as follows:-

*“Dear Sir,*

*Sub : D.R.P. No. 10 of 2010 filed by us – Reg.*

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*We wish to inform you that we have applied to the TNEB on 27-10-2009 for grid connectivity and wheeling of power and the Board has requested us to remit Rs.89,32,110/- towards the cost of existing transmission line. Hence we have filed the DRP No.10 before the Hon'ble TNERC to avail the benefits of the Order No.4 passed by the Hon'ble TNERC. Our case finally came up for hearing before the Hon'ble Commission on 26-4-2011 and the orders reserved.*

*As our grid connectivity request is pending before the TNEB since October 2009 and the orders were reserved by the Hon'ble Commission for the DRP No. 10 on 26-4-2011, we kindly request the Hon'ble Commission to pass the orders for the D.R.P. No.10 of 2010 at the earliest convenience so that we will be in the position to avail the grid connectivity without any further delay and export the excess power available with us and thus we will also reduce the burden of the Board to a little extent.*

*Thanking You,*

*Yours faithfully,  
For Hi-Tech Mineral Industries Covai (P) Limited"*

2. In the D.R.P.No.10 of 2011 as referred to in the letter of the Petitioner's company, Thiru.K.Seshadri, Advocate has represented the Petitioner's company before the Commission, when it came up for hearing.

3. When the Petitioner's company has engaged an Advocate for representing their case namely, D.R.P. No. 10 of 2011 before the Commission, the General Manager, Administration should not have sent the above letter to the Chairman of the Commission. He should have contacted his Advocate to mention before the Commission about the pendency of the said D.R.P. and the urgency involved in the above petition. The addressing of the letter to the Chairman by the General Manager shows lack of confidence in the Advocate.

4. Apart from that, it is to be noted that as per Clause 9 (2) (b) of TNERC (Conduct of Business) Regulations, 2004, it is the Secretary of the Commission who has to receive all petitions or appeals or references on behalf of the Commission. There is a breach of the said Clause 9 (2) (b) of the TNERC (Conduct of Business) Regulations, 2004 on the part of General Manager of the Petitioner's company who has addressed the Chairman of the Commission directly. The Commission as per Section 94 of the Electricity Act, 2003 is a court and as per Section 95 of the Act, all the proceedings of the Commission shall be deemed to be a judicial proceeding with the meaning of Sections 193 and 228 of the Indian Penal Code (45 of 1860) and the Commission shall be deemed to be a Civil Court for the purposes of Sections 345 and 346 of the Code of Criminal Procedure, 1973 (2 of 2 1974).

5. The General Manager of Petitioner's Company having contravened the said Clause 9 (2) (b) of the TNERC (Conduct of Business) Regulations, 2004 is liable to be proceeded under Section 142 of the Act.

6. **Findings:-**

The General Manager (Administration) of M/s.Hi-Tech Mineral Industries Covai Pvt Ltd. appeared in person before the Commission on 13-9-2011. He submitted that due to lack of knowledge of court procedures and due to anxiety over the pendency of case has addressed the Commission. He pleaded innocence and tendered unconditional apology before the Commission. The

Commission believes that unconditional apology is not enough and to curb this growing menace, a token penalty of rupees five hundred is imposed. The fine shall be deposited within one month to the Commission.

**7. Appeal:-**

An appeal under section 111 of the Electricity Act, 2003 against this order shall lie to the Appellate Tribunal for Electricity within a period of 45 days.

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

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

**(Sd.....)**  
**(S.Kaliban)**  
**Chairman**

**/ True Copy /**

**Secretary**  
**Tamil Nadu Electricity**  
**Regulatory Commission**