

**TAMIL NADU ELECTRICITY REGULATORY COMMISSION**  
**(Constituted under Section 82 (1) of the Electricity Act 2003**  
**Central Act 36 of 2003)**

**PRESENT:-**

**Thiru.K.Venugopal** ..... **Member**  
and

**Thiru.S.Nagalsamy** ..... **Member**

**D.R.P. No.14 of 2012**

SJLT Textiles Private Limited  
NH-7, Namakkal-Karur Main Road  
Pillaikalathur, Paramathi Post  
Paramathi-Velur T.K.  
Namakkal District

..... **Petitioner**  
**Represented by**  
**Thiru V.Selvadurai,**

1. The Chairman cum Managing Director  
Tamil Nadu Generation and Distribution  
Corporation Limited  
144, Anna Salai,  
Chennai – 600 002.
2. The Chief Engineer / Commercial  
Tamil Nadu Generation and Distribution  
Corporation Limited  
144, Anna Salai,  
Chennai – 600 002.
3. The Superintending Engineer  
Tamil Nadu Generation and Distribution  
Corporation Limited  
Namakkal Electricity Distribution Circle  
Namakkal.

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

**Dates of hearing** : 31-07-2012 and 28-11-2012

**Date of order** : 18-12-2012

**ORDER**

1. The prayer of the Petitioner is to pass an order similar to the order dated 22-03-2012 as passed by the Commission in regard to the sister concern of the Petitioner namely, M/s.SJLT Textiles Pvt. Limited (HT SC No. 249) directing the Respondent to fix pro-rata demand and energy quota to the Petitioner based on the present capacity of wind mills at 2.9 MW with effect from September 2010.

2. The Petitioner has contended that if the base period capacity of wind mill is taken for fixing quota, the Petitioner's quota would be considerably reduced because the capacity of wind energy generation is only 2.9 MW and therefore it is just, equitable and necessary to meet the ends of justice that the quota for the Petitioner has to be fixed based on the present wind energy generation capacity, viz. 2.9 MW and not the capacity they were having during base period, viz. 9.77 MW.

3. The Petitioner has further contended that since the Petitioner has run their industry based on the quota given by the Respondent Board in their letter dated 27-05-2010 i.e. 80% quota level, the fixation of quota may also be done from September 2010 as otherwise, the Petitioner would be facing levy of penalty for no fault on the Petitioner.

4. The Petitioner has stated that the Commission has already passed an order dated 22-03-2012 with regard to their sister concern namely M/s.SJLT Spinning Mills

(P) Limited (HT SC No. 249) to run the industry in pro-rata quota based on the present capacity of wind mill with effect from September 2010.

5. The Respondent in their counter contended that the Commission in S.M.P. No.1 of 2009 dated 28-09-2009 had only stated that in the event of a consumer opting out of wheeling agreement, the alternative is to use TANGEDCO supply.

6. It has been further contended by the Respondent that the request of the Petitioner to fix the quota from September 2010 cannot be considered on any account since there can be no change in the base period.

7. It has been pointed out by the Respondent that if the Petitioner is permitted to revise the quota on proportionate basis there would arise a possibility of increasing the procurement from other generations in future.

8. The Respondent has stated that the pro-rata demand and energy quota was effected to HT SC No. 249 M/s. SJLT Spinning Mills (P) Ltd. in Namakkal Electricity Distribution Circle as directed by the Commission in D.R.P.No.19 of 2011 dated 22-03-2012 which resulted in excess in the anticipated demand and it compelled to procure additional quantity of power which leads to further financial burden to TANGEDCO.

**9. Findings of the Commission:-**

9.1. The prayer in this petition is to direct the Respondent TANGEDCO to fix pro-rata demand and energy quota based on the present capacity of Wind mills of 2.9

MW as against the original capacity of 9.77 MW in line with the Orders of this Commission dated 22-3-2012 in DRP No. 19 of 2011.

9.2. The petitioner's case is that he was having wind mills aggregating to a capacity of 9.77 MW during the base period i.e. October 2007 to September 2008. However, the wind energy capacity of the petitioner has drastically come down due to the new conditions stipulated in the energy wheeling agreement with regard to captive consumption status. Further, the petitioner has submitted that there were huge reduction in the wind mill generation capacity of the petitioner since mandatory condition of having 26% stake in the generating company and 51% of the total generation to be used for captive consumption. In view of the fact that some other wind mills owned by some Directors were converted into "sales to Board" category, the petitioner was able to retain only the balance of 2.9 MW which was eligible for captive consumption.

9.3. The petitioner has relied on para 16 (16) of this Commission's Order in Suo moto proceedings No. 1 of 2009 that if a consumer opts out of wheeling agreement and becomes an ordinary consumer, A & E referred in the Memo dated 17-11-2008 shall be deemed to be the base energy and base demand.

9.4. The petitioner has also relied on this Commission's Order dated 22<sup>nd</sup> March 2012 in DRP No. 19 of 2011 wherein this Commission has directed that where the generating capacity has reduced from 5.7 MW to 1.35 MW, "Pro-rata energy may be fixed for item "B" in the circular dated 17-11-2008 and the same may be taken for Item"(C)" i.e.  $C = \{ A - (1.35/5.72) B \}$ .

9.5. The respondent in their counter prayed for dismissal of this petition but did not specify any reason for the dismissal of the petition. The only argument extended by them in their pleading is that if the request of the petitioner is considered, then there will be additional demand which have to be met out by TANGEDCO and it will compel to procure additional quantity of power which again leads to further financial burden on TANGEDCO.

9.6. During the hearing on 28<sup>th</sup> November 2012, the petitioner again pleaded for deciding this matter in line with the Commission's earlier Order in DRP No. 19 of 2011. To a specific query by the Commission as to whether the earlier order of this Commission dated 22-3-2012 in DRP No. 19 of 2011 has been implemented or not, the TANGEDCO confirmed that the same has been fully implemented. Again to a specific query from the Commission as to what use the change in capacity has been put to i.e. the reduction in capacity of 9.77 MW to 2.9 MW as prayed for in the petition, the petitioner has reconfirmed that the differential capacity has actually been converted into "sales to Board" category as has already been indicated in para 11 of the petition. Since the capacity which is reduced from the petitioners eligible quota is now available to TANGEDCO by way of conversion to "sales to Board" category, the TANGEDCO will not be put to any inconvenience by changing the eligibility for quota in respect of petitioner from 9.77 MW to 2.9 MW. Accordingly, the TANGEDCO is directed to reduce the available capacity to 2.9 MW from the earlier 9.77 MW in respect of this petitioner for fixation of pro-rata demand and energy quota. The same shall be implemented w.e.f. September 2010.

**10. Appeal:-**

An appeal against this Order lies before the Appellate Tribunal for Electricity under section 111 of the Electricity Act 2003, within a period of 45 days from the date of receipt of the copy of this order by the aggrieved person.

**(Pronounced in the open court today)**

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

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

/ True Copy /

Secretary  
Tamil Nadu Electricity  
Regulatory Commission