

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.20 of 2012
and
I.A.Nos.1 and 2 of 2012

M/s.Pioneer Power Limited
(formerly Penna Electricity Ltd.)
No.37, Vijayaragava Road
T.Nagar
Chennai – 600 017.

..... Petitioner
(Thiru A.Satyaseelan,
Advocate for Petitioner)

Vs

1. TANGEDCO
Rep. by Director (Generation)
No.144, Anna Salai
Chennai – 600 002.
2. The Chief Engineer – PPP
TANGEDCO
No.144, Anna Salai
Chennai – 600 002.
3. The Chief Financial Controller / Revenue
TANGEDCO
No.144, Anna Salai
Chennai – 600 002.

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

Date of hearing : 16-11-2012

Date of Interim Order : 16-11-2012

In D.R.P.No.20 of 2012, the Petitioner's prayer is that the Respondents are not entitled to claim the liquidated damages from the Petitioner as required in the

impugned letter of the Respondents in Ref.No.Lr.N.CE/PPP/SC/PP/EE/IPP/AEE4/F.Pioneer/D.367/2012 dated 05-09-2012 and the Invoice in Ref. Invoice No.TGC/001/08-2012 and the Petitioner also prays for a declaration that the above impugned letter is illegal, arbitrary and unauthorized and unenforceable. The Petitioner also prayed for award of cost of the petition.

1.1. In I.A.No.1 of 2012, the Petitioner prayed for the early hearing of the D.R.P. and the interim application for stay of the impugned letters referred to above.

1.2. In I.A.No.2 of 2012, the Petitioner prays for a stay of the operation of the impugned letters referred to above, pending disposal of the main petition namely, D.R.P.No.20 of 2012.

2. Both the above D.R.P.No. 20 of 2012 and the I.A.Nos.1 and 2 of 2012 were heard by the Commission on 16-11-2012. The Commission upon perusing the above petitions and the connected records of the case and upon hearing both sides passed the following Interim Order on 16.11.2012.

INTERIM ORDER

D.R.P.No.20 of 2012 along with I.A.Nos.1 & 2 of 2012 were taken up for admission. The Learned Senior Counsel for the Petitioner argued that the order issued by the TANGEDCO levying liquidated damages along with interest thereon is illegal in as much as an appeal has been preferred by the TANGEDCO before the Hon'ble Appellate Tribunal for Electricity wherein arguments have been completed and orders reserved. Under these circumstances, the TANGEDCO ought not have initiated such recovery. He also pointed out that the Commission's order has not

been stayed by the Appellate Tribunal for Electricity. The learned Counsel for TANGEDCO submitted that they have taken action as per the provisions of PPA only. The Commission admits the petition. Let the counter be filed in four weeks time. The Commission stays the operation of letter dated 05-09-2012 of TANGEDCO for recovery of liquidated damages. The matter shall be listed for arguments after the counter is filed.

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

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

/ True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission.