

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.22 of 2012

and

I.A.No.1 of 2012

M/s.International Institute of
Bio Technology & Toxicology
Survey Nos.571/30 & 572/381
Padappai - 601 301.

.. Petitioner
(M/s.Dr.Anita Sumanth
Advocate for Petitioner)

Vs

The Superintending Engineer
Tamil Nadu Electricity Board
Chengalpet Distribution Circle
Chengalpet- 631 603.

....Respondent
(Thiru P.H.Vinod Pandian
Advocate for Respondent)

Dates of hearing : 27-11-2012

Date of Interim Order : 27-11-2012

In D.R.P.No.22 of 2012, the prayer of the Petitioner is to quash the order passed by the Respondent in letter No.SE/TANGEDCO/CGL/DFC/RCS/AS/F.HT.SC.No.365/D.No.246/12, dated 12-03-2012 and letter No.ACE/TANGEDCO/CGL/DFC/RCS/AS/AS3/F.BOAB Audit/D.No.711/2012, dated 19-10-2012, wherein the concessional tariff under II-A has been withdrawn from the month of March 2012 Current Consumption bill onwards and the Petitioner has been called upon to pay

Rs.71,49,467/- towards the incorrect application of tariff for the period from August 2010 to February 2012 respectively.

The Petitioner also prays to grant to the Petitioner the benefit of concessional tariff rate in terms of the Tamil Nadu Electricity Regulatory Commission Tariff Order No.3 of 2010 dated 31-07-2010.

The Petitioner has also prayed for an interim relief to grant a stay of collection of the disputed amount of Rs.71,49,467/- till the main petition is heard and disposed of and also to grant a stay of the impugned communication dated 12-03-2012 in letter No.SE/TANGEDCO/CGL/DFC/RCS/AS/F.HT.SC.No.365/D.No.246/12 and 19-10-2012 in Letter No. ACE/TANGEDCO/CGL/DFC/RCS/AS/AS3/F.BOAB Audit/D.No.711/2012 and a direction to the Respondent to collect from the Petitioner Current Consumption charges on the basis of the concessional rate in HT Tariff II-A as per T.O.No.3 of 2010 dated 31-07-2011.

Both the above D.R.P.No.22 of 2012 and the interim application were heard by the Commission on 27-11-2012. The Commission upon perusing the above petition and the connected records of the case and upon hearing both sides passed the following interim order on 27-11-2012:-

INTERIM ORDER

D.R.P.No.22 of 2012 along with interim application was taken up for admission. The learned Counsel for the Petitioner pointed out that as per Tariff II-A of the T.O.No.3 of 2010, the said tariff is applicable to Research Institutions and inasmuch as the Petitioner is a Research Institute, the said tariff alone will apply. Further she pointed out that in the said order there is no express provision which

restricts the application of the II-A Tariff to the Research Institutions run by the Government alone.

The Commission admits the petition. The Respondent is directed to file the counter within four weeks. The Commission also directs that the letter of the Respondent dated 19-10-2012 regarding recovery of arrears shall be kept in abeyance till the disposal of the case.

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

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

/ True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission