

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.23 of 2011

and

I.A. Nos. 1 & 2 of 2011

Orchid Chemicals & Pharmaceuticals Limited
HT SC No. 562
313, Orchid Towers
Valluvarkottam High Road
Nungambakkam
Chennai – 600 034
Rep. by its Senior General Manager-Legal and
Company Secretary, Mrs.Bhoomijha Murali

.. Petitioner
(Thiru R.S.Pandiyaraj,
Advocate for Petitioner)

Vs

1. The Chief Engineer, NCES
Tamil Nadu Electricity Board
800, Anna Salai
Chennai – 600 002.
2. The Superintending Engineer
Chengalpattu Electricity Distribution
Circle, TNEB
Chengalpattu.

.... Respondents
(Thiru PH.Vinod Pandian,
Advocate for Respondents)

Date of hearing : 24-01-2012

Date of order : 24-01-2012

The above D.R.P.No.23 of 2011 and I.A. No. 1 & 2 of 2011 came up for hearing before the Commission on 24-01-2012. The prayer in the above D.R.P. No.

23 of 2011 is to direct the Respondents to calculate the equivalent demand based on the energy supplied / injected by the Petitioner from their wind mills / captive generating plant instead of taking energy adjusted as per the orders made in M.P. No. 42 of 2008 dated 28-11-2008 and the order dated 28-10-2009 in Suo Moto Proceedings 1 of 2010 in pursuance of the clarification dated 25-06-2010 issued by the 1st Respondent pertaining to fixing of energy quota and refund / adjust the excess demand charges of Rs.18,77,015.40 collected from the Petitioner.

The prayer in I.A. No. 1 of 2011 is to issue an order of interim injunction, restraining the 2nd Respondent, the Superintending Engineer, Chengalpattu Electricity Distribution Circle, Chengalpattu from levying, demanding and collecting of penalty based on consumed / adjusted units instead of supplied / injected units by the Petitioner from their wind mill / captive generating plant and also future bills pending disposal of the Petition.

The prayer in I.A. No.2 of 2011 is to issue an order of interim stay of the operation of the 1st Respondent's communication, the Chief Engineer, NCEs, Tamil Nadu Electricity Board, Chennai dated 25-06-2010 bearing Reference No.CFC/Rev/FC/R/D.No./10 being the clarification issued to calculation of energy quota and all proceedings pursuant thereto pending disposal of the petition.

It is relevant to note that the subject matter involved in the above D.R.P. No.23 of 2011 has been previously dealt with by the Commission in M.P. No. 32 of 2010 and M.P. No. 41 of 2010 and the Commission has passed the order dated 28-12-2011 upholding the clarification dated 25-06-2010 issued by the TANGEDCO.

In the said order dated 28-12-2011, the Commission has vacated the interim order of stay granted in M.P. No. 32 of 2010 and M.P. No. 41 of 2010. The operative portion of the above order is extracted below:-

“14.11.The energy proposed for captive users has been mentioned in the order of the Commission. There could be various scenarios. During off season, the generated energy may not be adequate and therefore the captive consumer could draw from the bank and consume. Even during the season if the generated energy is not adequate, the captive consumer could draw from the bank. Therefore, consumption has to be the basis for determining the quota. To this extent, the clarification could be deemed to modify the circular of TNEB dated 17-11-2008. The memo of 17-11-2008 stipulated monthly base energy consumption as (A). The energy supplied by the captive generator is termed as (B). Since A is measured against consumption, (B) also should be measured against consumption. The Commission, therefore, decides that the impugned clarification dated 25-6-2010 issued by TANGEDCO is in order”.

The said order dated 28-12-2011 will hold good to the issues involved in the said D.R.P. No. 23 of 2011. Upon perusing the above D.R.P. No. 23 of 2011 and I.A.No. 1 and 2 of 2011 and the connected records and upon hearing the learned Counsel for the Petitioner, the Commission has passed the following order:-

ORDER

I.A. No.1 of 2011 and I.A. No. 2 of 2011 in D.R.P. No. 23 of 2011 were taken up for admission. This Commission has passed an order on 28th December 2011 in M.P. No. 32 of 2010 and M.P. No. 41 of 2010 wherein the circular dated 25-06-2010 of TANGEDCO was in question and an order was passed. This petition D.R.P. No.

23 of 2011 as well as the two I.A.s are disposed off in the context of the order passed on 28th December 2011 in the above referred two petitions. The petition is disposed off at the admission stage itself with this order.

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

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

/ True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission