

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

M.P.No.3 of 2012

MMS Steel and Power Private Limited
6-3-1109/A/1
3rd Floor, Navabharat Chamber
Somajiguda, Raj Bhawan Road
Hyderabad – 500 082.

.. Petitioner
[Thiru Rahul Balaji
Advocate for Petitioner)

Vs

TANGEDCO
Rep. by its Chairman
No.144, Anna Salai
Chennai – 600 002.

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

Dates of hearing : 16-04-2012 and 20-11-2012

Date of order : 20-11-2012

1.1 The prayer of the Petitioner in this M.P.No.3 of 2012 is to,-

- (a) punish the Respondent and its responsible officers for non-compliance of the orders made in D.R.P.No.5 of 2010 dated 07-09-2010 and undertaking recorded in M.P.No.20 of 2011 on 12-09-2011 under the provisions of section 142 of the Electricity Act, 2003.

(b) direct the Respondent Board to forthwith make payment as per directions issued in D.R.P.No.5 of 2010 with interest on the payment from the date the payments became due till the date of payment at 18% p.a.

1.2 The Petitioner contended that it has filed D.R.P.No.5 of 2010 with a prayer to direct the Respondent to pay suitable compensation at the minimum rate of Rs.6.70 per unit amounting to Rs.4,75,90,341/-, for the power supplied by the Petitioner to the Respondent Board between 01-10-2008 to 31-01-2009.

1.3 The Commission passed an order on 07-09-2010, declaring that the Respondent Board is bound to compensate the Petitioner and recording that the same shall be done at the rate of Rs.6.70 per Kwhr for the power supplied by the Petitioner for the period between 01-10-2008 to 31-01-2009.

1.4 The Petitioner contended that they have filed M.P.No.20 of 2011 praying for punishing the Tamil Nadu Electricity Board and its officers for non-compliance of the orders dated 07-09-2010 passed by the Commission in D.R.P.No.5 of 2010.

1.5 The Commission disposed the above petition with a direction to TANGEDCO to pay the dues in 3 months failing which proceedings under section 142 would be initiated.

1.6 The Petitioner also stated that even after issue of a legal notice dated 30-01-2012 to make payment within three days on receipt of the notice, no payment or response has been forthcoming.

2. The Respondent in their counter stated that it did not have any Power Purchase Agreement with the company for purchase of any surplus power during the period under dispute. The Respondent further stated that in letter dated 28-10-2010, the Petitioner was requested to attend a negotiation for payment on the

bonafide belief that this Commission did not fix any specific rate but only noted on record the rate as Rs.6.70 per Kwhr. The Respondent also stated that there were sufficient grounds available for appeal against the orders of the Commission in D.R.P.No.5 of 2010 and M.P.No.20 of 2011 and hence filed an appeal before the Hon'ble Appellate Tribunal for Electricity.

3. The above M.P.No.3 of 2012 came up for final hearing before the Commission on 20-11-2012, the Commission passed the following order on the said date after hearing both sides:-

Counsel for both sides were present. The Learned Counsel for TANGEDCO filed a copy of the proceeding of CMD, TANGEDCO in No.361 dated 17-11-2012 confirming that the outstanding payment shall be released in three equal monthly instalments. TANGEDCO is directed to inform the Commission when every instalment is released to the Petitioner. The matter shall be listed for review at an appropriate time.

4. Besides the said order which has been pronounced in the open court in the presence of the parties to this M.P. No.3 of 2012, there is no need to pass any further order in the instant case. This order is hosted in the website of Tamil Nadu Electricity Regulatory Commission for information to the parties of M.P.No.3 of 2012.

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

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

/ True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission