

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. (Contempt) No.8 of 2011
in
D.R.P.No.4 of 2010

M/s.Sai Regency Power Corporation Private Limited
Represented by its Authorised Signatory
No.3, II Floor, Crown Court
128, Cathedral Road
Chennai – 600 086.

.. Petitioner
[Thiru A.Jenasenan
Advocate for Petitioner)

Vs

The Tamil Nadu Electricity Board
Rep. by its Chairman
No.144, Anna Salai
Chennai – 600 002.

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

Date of hearing : 20-04-2011, 17-06-2011, 15-07-2011,16.11.2011,
25-11-2011, 16-04-2012, 26-04-2012 and
20-11-2012.

Date of order : 20-11-2012

ORDER

1.1 The above M.P.(Contempt) No.8 of 2011 in D.R.P.No.4 of 2010 has been filed by the aforesaid Petitioner namely, M/s.Sai Regency Power Corporation Private Limited praying for passing appropriate orders against the Respondent Board for disobedience of the order dated 07-09-2010 in D.R.P.No.4 of 2010 passed by this Commission.

It has been contended by the petitioner that the Respondent Board has not filed any appeal in the said matter before the Appellate Tribunal for Electricity and the action of the Respondent Board in not giving effect to the order of the Commission is clearly arbitrary and illegal and contemptuous. The Petitioner further contended that the action of the Respondent Board in having effected payment, in a similar case, whilst unduly delaying in making payment to the Petitioner is illegal, against the principles of natural justice and violative of the Article 14 of the Constitution of India. The Petitioner pointed out that the inaction of the Respondent Board amounts to contempt of this Commission's order dated 07-09-2010, for which the Respondent Board is liable to be punished.

2. The Respondent in their counter affidavit stated that the Commission has not specifically ordered the rate for purchase of such power and issued direction that the Commission is constrained to merely note the rate of Rs.6.70 per KWhr and considering the financial position of the Respondent and the peculiar nature of the case on hand, the Respondent called for a negotiation with the four companies and offered Rs.3.50 Kwhr as fixed by the Commission in D.R.P.No.13 of 2009. The Respondent further stated that it has filed a clarificatory petition praying this Commission to issue a clarification as to whether the expression "note and record" occurring in paragraph 7 of the order dated 07-09-2010 is an order to make payment to the Petitioner @ Rs.6.70 per Kwhr or otherwise stating the bonafide reasons to file the same.

3. The above M.P.(contempt) No.8 of 2011 came up for final hearing before the Commission on 20-11-2012. The Commission after hearing the Counsels for the both sides passed the following order on the said date.

“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.(Contempt) No.8 of 2011, 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. (Contempt) No.8 of 2011.

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

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

/ True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission