

**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

Thiru S. Nagalsamy . . . . . Member

**M.P.No.23 of 2011**

Ind Barath Thermal Power Ltd.  
New No.20, Old No.129  
Chamiers Road, Nandanam  
Chennai

Petitioner  
(Thiru Rahul Balaji,  
Advocate for the Petitioner

Vs

(1) Chairman and Managing Director  
TANTRANSCO  
144, Anna Salai, Chennai 600002  
(2) The Director / Operation  
TANTRANSCO  
144, Anna Salai, Chennai 600002

Respondents  
(Thiru P.H. Vinod Pandian  
Standing Counsel for  
TANGEDCO)

Dates of Hearing : 13.9.2011; 4.11.2011; 16.04.2012 and 20.12.2012  
Date of Order : 20.12.2012

The above M.P. No.23 of 2011 has been filed with a prayer to punish the respondent and its responsible officers for non-compliance of the orders made in M.P.42 of 2011 dated 20.04.2011 as per the provisions of section 142 of the Electricity Act, 2003 and also to direct the Board to forthwith permit the petitioner to carry out the stringing work including the cost of materials and labour above on the free arm of the Chekkanurani 230 KV line at the petitioner's cost and to commence construction of the dedicated transmission line from its generation facility of its 3 x 150MW thermal power plant at

Swaminatham and Ottapidaram villages, Ottapidaram taluk, Tuticorin District in terms of the orders of the said M.P.No.42 of 2011.

The Commission in its order dated 20.04.2011 in M.P.No.42 of 2011 has directed the TRANSCO to construct the dedicated transmission line and recover charges from the generators as per clause 9(1)(b) of the Intra-State Open Access Regulation, 2009 or alternatively of the generator consents the licensee may construct the dedicated transmission line as a deposit work.

Hearing held on 13.09.2011

In the hearing held on 13.29.2011, the learned counsel for TANTRANSCO submitted that the respondents have filed an appeal against the said orders of the Commission in M.P.42 of 201 and requested that the matter may be taken up after two weeks. The Commission, however, observed that since the impugned order has been appealed against though belatedly, the matter may be posted after a month.

Hearing held on 4.11.2011

The learned counsel for the petitioner submitted that the matter has been taken up by the APTEL in Appeal No.145 of 2011 and that section 142 proceedings before the Commission has been stayed by the APTEL. In view of the above, Commission ordered to lie over the matter and to take up the same as and when the petitioner agitates for reopening.

Hearing held on 16.04.2012

The counsel for the petitioner informed that APTEL has reserved the judgement. Therefore the hearing was adjourned.

Hearing held on 20.12.2012

An appeal was preferred by the licensee before APTEL and APTEL pronounced its order on 23.05.2012. APTEL has allowed the appeal filed by the licensee and the impugned order, i.e. M.P.42 of 2010 was set-aside. Consequent to this, the petitioner prays for withdrawal of the M.P.No.23 of 2011.

The Commission upon hearing the parties and upon perusing the relevant records passes the following order:

**ORDER**

Counsel for both side were present. The petitioner has filed the petition for punishing the respondent and its responsible officers for non-compliance of the order made in M.P.No.42 of 2010 dated 20.04.2012 under section 142 of the Electricity Act, 2003. An appeal was preferred by the licensee before the APTEL. APTEL pronounced its order on 23.05.2012 in the matter. Consequent to this, the petitioner prays for withdrawal of M.P.No.23 of 2011. Permission to withdraw the petition granted as prayed for. The petition is dismissed as withdrawn.

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

(Sd.....)  
**(K. Venugoapl)**  
**Member**

**/ True Copy /**

**Secretary**  
**Tamil Nadu Electricity**  
**Regulatory Commission**