

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**

P.P.A.P. Nos. 2 & 3 of 2012

Tamil Nadu Generation and Distribution
Corporation Limited
No.144, Anna Salai
Chennai – 600 002.

..... **Petitioner**
(Thiru P.H.Vinod Pandian,
Advocate for Petitioner)

Vs

Nil

.... **Respondent**

Dates of hearing : 2-5-2012, 21-5-2012 & 29-6-2012

Date of order : 29-06-2012

The above P.P.A.P. Nos. 2 & 3 of 2012 came up for hearing on 29-06-2012. Thiru. P.H. Vinod pandian, Standing Counsel for the petitioner was present. Thiru. Seshadri, Chief Engineer presented both the cases. He submitted that P.P.A.P.No.2 of 2012 is filed for ratification and approval of the Commission for having issued LOAs for the month of June 2012, July 2012 and August 2012. He also sought the approval of the Commission for the purchase of power totaling to a quantum of 10304 MU on an average of around 1225 MW per month with a cap on the procurement quantum available from generating companies located in inter region for a period i.e from June 2012 to 15th May 2013 and for fixing reasonable

prices of the Electricity under the provision of the Section 62 (1) (a) and Section 63 of the Electricity Act, 2003.

Thiru. Seshadri, Chief Engineer, PPP further sought approval of the Commission in P.P.A.P.No.3 of 2012 for the purchase of power totaling a quantum of 6484MU available from generating companies located in intrastate generators for a period from July 2012 to 15th May 2013 at the rate that may be fixed for the tender by the Commission.

After perusing the above petitions and connected records and upon hearing the Petitioner, the Commission passes the following

COMMON INTERIM ORDER

P.P.A.P.No.2 of 2012 and P.P.A.P.No.3 of 2012 were listed today at short notice. Additional affidavit in P.P.A.P.No.3 was filed only yesterday. The Honourable High Court of Madras passed an order on 7-6-2012 in W.P.No. 14395 of 2012 and M.P.No.1 of 2012 for expeditiously disposing of the issue by 29-6-2012. Despite this, additional information was filed before the Commission only on 28-6-2012. During the hearing lot of discrepancies in the submissions were pointed out. The petition does not clearly bring out the absorption of additional quantum of power and only general submissions are made for additional purchase of power. Neither reduction in load shedding nor lifting of R & C measures is being talked about. The Commission is concerned about the full absorption of power purchased. While it has been stated in the petition that sale of power outside the state is prohibited under section 11 of the Electricity Act 2003, the TANGEDCO

has proposed that it will be selling power to other States. Under drawal of cheaper power may also be not desirable.

As regards the petitioner's submission dated 28-6-2012 in P.P.A.P.No. 3 of 2012, the prayer is for purchase of power of 6484 MUs from intra-state generators from June 2012 to May 2013. However, the petitioner has prayed for fixing the tariff by the Commission. A perusal of the petition shows that the same has been filed under section 63 of the Electricity Act, 2003. The same position was taken by this petitioner in the High Court in the writ petition referred above. The petitioner may therefore take a view on the matter and make a proper prayer for adoption of tariff under section 63 as fixation or determination of tariff is to be done under section 62 and necessary details for the same are also not filed by the petitioner.

Appeal:-

An appeal against this order lies to the Appellate Tribunal for Electricity as per section 111 of the Electricity Act, 2003 within a period of forty five days.

Pronounced in the open court by this Commission on this 29th day of June 2012.

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

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

/ True Copy /

Secretary
Tamil Nadu Electricity Regulatory Commission