

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

I.A.No.1 of 2012
in
R.P. No.4 of 2012
and
Review Petition No.4 of 2012

Tamil Nadu Generation and
Distribution Corporation Ltd.
No.144, Anna Salai
Chennai – 600 002
Represented by its Chief Engineer / Commercial

..... Petitioner
(Thiru N.C.Ramesh, Senior Advocate,
for Thiru P.H.Vinodh Pandian
Standing Counsel for the Petitioner)

Vs

NIL Respondent

Date of hearing : 18-10-2012

Date of order : 19-10-2012

The above Review Petition together with I.A. came up for admission on 18-10-2012. The Commission upon hearing the arguments of Thiru.N.C.Ramesh, Senior Advocate and after perusing the documents filed, passes the following interim order:-

INTERIM ORDER

1. R.P.No.4 of 2012 along with I.A. No.1 of 2012 in the said Review Petition came up for admission on 18-10-2012. The above Review Petition has been filed by TANGEDCO to review the orders passed by the Commission in M.P.No.10 of 2012 dated 28-09-2012, wherein the Commission has set aside the memos dated 25-02-2012 and 29-02-2012 in its entirety. The I.A. has been filed to stay the said orders of the Commission till the disposal of the Review Petition.

2. Heard the learned Senior Counsel who appeared on behalf of the TANGEDCO. The learned Senior Counsel, referring to ground (d) of the Review Petition argued that Regulation 38 of the Tamil Nadu Electricity Distribution Code, 2004 provides for operation of it under two different situation / contingency and it postulates curtailing the use of electricity by the consumer under certain situation, including exercise of the power by Review Petitioner if the power position warrants and later portion of the said Regulation 38 operates under different circumstances and in fact that impugned memo only regulated the use of power and not all together directed to ceasing of use of power by the licensee and pleaded that findings rendered by this Commission on the interpretation of the said Regulation 38 requires reconsideration. The Commission has elaborately discussed this issue in para 6 of the order dated 28-09-2012 in M.P.No.10 of 2012 and clearly discussed and explained the scope of the said Regulation 38. Hence, we outrightly reject this argument of the learned Senior Counsel and this cannot be a matter for review. If the Petitioner is aggrieved over the findings of this Commission, it is open to him to take up the issue before the Appellate Forum, since this issue cannot come within the scope of review. This portion of the contention / ground in the Review Petition is therefore not admitted.

3. The learned Senior Counsel also contended that if the memo dated 25-02-2012 of the TANGEDCO is quashed in its entirety then the Review Petitioner would not be in a position to implement the R & C measures as set out in the said memo dated 25-02-2012, which has been approved by the Government of Tamil Nadu vide its letter dated 29-02-2012. It has also been pointed out by him that a mistake of fact has crept in, in the orders passed by the Commission in M.P.No.10 of 2012 which sets aside the said memo in toto, without taking into consideration the

approval granted by the Government of Tamil Nadu for imposing additional R&C measures in its letter dated 29-02-2012. To this extent, the Review Petition is admitted. The Review Petition shall be hosted in the website of TANGEDCO and Tamil Nadu Electricity Regulatory Commission for comments by interested stakeholders upto 02-11-2012. Post the matter thereafter for further hearing. Till such time, the orders passed by the Commission in M.P.No.10 of 2012, setting aside the memo of TANGEDCO dated 25-02-2012 shall not be given effect in respect of the following portion of the said memo dated 25-02-2012:-

- (iv) *The existing power cut of 20% on base demand and energy for all HT Industrial and Commercial services covered under Tariff I & III is increased to 40%.*
- (v) *90% cut on quota demand and energy for HT Industrial and Commercial services during peak hours i.e. 18.00 hours to 22.00 hours”.*

Pronounced in the open court by this Commission on 19th October, 2012

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

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

/ True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission