

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.43 of 2012
and
I.A.No.1 and 2 of 2012

Tamil Nadu Electricity Consumers' Association
Represented by its President
1st Floor, SIEMA Building
P.B. No. 3847
8/4, Race Course
Coimbatore – 641 018.

.... Petitioner
(Thiru N.L.Rajah,
Advocate for Petitioner)

Vs

Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
Represented by its Chairman and Managing Director
144, Anna Salai
Chennai – 600 002.

.... Respondent
(Thiru P.H. Arvind Pandian
Additional Advocate General)

Dates of hearing : 04-12-2012 and 14-12-2012

Date of order : 14-12-2012

1. The above M.P.No.43 of 2012 has been filed by the Tamil Nadu Electricity Consumers' Association. The main prayer of the Petitioner's Association is to direct the Respondent to impose only those Restriction and Control Measures which have been specifically approved / sanctioned by this Commission and to equitably

distribute such Restriction and Control Measures without exempting any class or category of consumers from such Restriction Control Measures.

2. The Petitioner has also prayed for two interim injunctions, one injunction is (a) to restrain the Respondent from imposing any scheduled and / or unscheduled power cuts, load shedding, power shut downs etc. for any class or category of consumers and for any area in Tamil Nadu which have not obtained the approval / sanction of this Commission, pending disposal of the petition and another injunction is,-

(b) to restrain the Respondent from exempting or excluding any class of consumers wherever situated in Tamil Nadu from the application of Restriction and Control Measures which have been specifically approved / sanctioned by this Commission, pending disposal of the petition.

3. The main petition was heard by the Commission on 04-12-2012 and the Commission directed the Respondent to file the counter within four weeks. The main contentions put forth by the Petitioner in their petition is that -

(a) certain categories of consumers located in and around Chennai and certain other foreign companies have been totally exempted from power cut which is opposed to section 23 of the Electricity Act, 2003.

(b) various courts have held that the Government must impose Restriction and Control Measures in an equitable manner and there can be no discrimination.

(c) as per the constitutional mandate in Article 14, the Restriction and Control Measures have to be applied equitably to all classes of consumers.

4. The Respondent, TANGEDGO in their counter have contended that

(a) the Restriction and Control Measures have been equitably distributed to cover all areas of the State to the extent feasible.

(b) strict regulatory measures made by the Central Electricity Regulatory Commission in regard to monitoring the grid parameters has necessitated appropriate load shedding to ensure grid security.

(c) as substantial relief from wind power is not available during the period from October to April, additional load shedding is being resorted to.

(d) load shedding is effected to prevent the grid collapse.

(e) whenever there are forced outage of central generating stations and the State owned stations, additional load shedding is being resorted to for the safety and security of the grid.

(f) the Respondent with the approval of the Government of Tamil Nadu was constrained to impose additional load shedding.

5. The above M.P.No.43 of 2012 and I.A. No.1 and 2 of 2012 came up before the Commission for hearing on 14-12-2012. The Commission passed the following interim order namely,

INTERIM ORDER

The main petition was heard on 4-12-2012 and admitted. As already directed by the Commission, the respondent filed their counter. Elaborate arguments of the learned counsel for the Petitioner and the learned Addl. Advocate General of Tamil

Nadu who appeared for the respondent were heard. The respondent is directed to file an additional affidavit within four weeks, after serving a copy to the petitioner, clarifying the following points:-

- (a) The actual power availability and actual shortage of power in various months in the past and projection for future upto March 2014.
- (b) The plan for capacity addition indicating the commissioning schedule.
- (c) The quantum of energy consumed per day in urban and non-urban or rural areas.
- (d) How much relief can be given to non-urban or rural areas, if load shedding in Chennai is increased by another one hour?
- (e) The quantum of relief due to R & C measures is estimated to be approximately 6 MUs out of over 200 MUs of energy actually supplied. Whether this can be managed effectively with declared load shedding and R & C lifted.
- (f) Various court orders which are in operation now with respect to load shedding, assured supply, etc.
- (g) To work out a schedule for load shedding covering various type of consumers.
- (h) Various MOUs signed in Tamil Nadu with prospective investors to whom continuous supply is granted duly indicating the demand and energy consumed in 2011-12 and 2012 – 13 so far.
- (i) What is the load factor of the total Tamil Nadu Electricity system since 2008–09 and what should it be, ideally?

The case shall be listed after filing of the above affidavit.

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

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

/ True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission