

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

D.R.P.No.15 of 2012

Orchid Chemicals & Pharmaceuticals Limited
HT SC No.562
313, Orchid Towers
Valluvarkottam High Road
Nungambakkam, Chennai – 34.
Reptd. by its Senior General Manager- Legal and Company
Secretary Mrs.Bhoomijha Murali

..... Petitioner
(Thiru R.S.Pandiyaraj and 3 others
Advocates for Petitioner)

Vs

1. The Chief Engineer, NCES
Tamil Nadu Electricity Board
800, Anna Salai
Chennai – 600 002.
2. The Superintending Engineer
Chengalpattu Electricity Distribution Circle, TNEB
Chengalpattu.

..... Respondent
(Thiru P.H. Vinodh Pandian,
Standing Counsel for the Respondents.)

Date of hearing : 28-09-2012 and 30-01-2013

Date of Order : 30-01-2013

1. The above D.R.P.No.15 of 2012 praying for refund / adjustment of excess demand charges collected from the petitioner by calculating equivalent demand based on the energy supplied / injected by the petitioner from their wind mills /

captive generating plant instead of taking energy adjusted prior to 28-12-2011 in pursuance of the order dated 03-05-2012 issued by the Hon'ble APTEL in I.A.No.105 of 2012 in Appeal No. 51 of 2012, I.A. No. 119 of 2012 in Appeal No.56 of 2012, came up before the Commission for admission on 28-09-2012. The Commission held as follows:-

“The Learned Advocate for the petitioner requested to take up the issue after final orders of the Hon'ble APTEL becomes available. The matter may therefore be listed after the judgment of the APTEL”.

2. The above D.R.P.No.15 of 2012 came up for further hearing before the Commission on 30-01-2013. On the said date namely, 30-01-2013, the Commission has passed the following final order:-

FINAL ORDER

The counsel for both side were present. This case is pending since 28-09-2012 as it was considered premature at that time as the appeal was pending in APTEL. Now the APTEL has pronounced its judgment on the subject directing that the Commission's order would come into effect from 01-10-2010. Based on the APTEL's direction in Appeal No. 51 of 2012 and Appeal No.56 of 2012, the Commission had already issued a consequential order in R.A.No.2 of 2013 directing the Licensee to work out the revised demand quota with effect from 01-10-2010 and implement the order within a period of 30 days. This consequential order is applicable to this case as well and the prayer of the petitioner is also the same. Accordingly the D.R.P. No.15 of 2012 is closed.

3. This order will be published in the website of the Commission for the information of the parties to the said D.R.P.No.15 of 2012.

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

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

/ True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission