



*“Thiru R.Muthukumarasamy, Senior Counsel appeared for Thiru Jenasenan, the Counsel on record for the petitioner. The petition was filed with a prayer to pass appropriate orders against the respondent Board for disobedience of the Commission’s order dated 07-09-2010 made in D.R.P. No.4 of 2010. After hearing the petition was admitted and posted for counter of the respondent in 4 weeks”*

2. M.P.(Contempt) No.8 of 2011 came up for further hearing before the Commission on 15-07-2011. In the hearing held on 15-07-2011, the Commission held as follows:-

*“Counsel for both side were present. After hearing both side the Commission observed as follows:-*

*The petitioner filed the contempt petition on 28-03-2011 for not implementing the order of the Commission dated 07-09-2010. The Contempt petition was filed after six months of the order. The TNEB had, under the Electricity Act, 2003, a time of 45 days to appeal against the order. They did not file an appeal. After the petitioner filed contempt petition, the TNEB came up with a clarificatory petition on 13-06-2011 which was dismissed by the Commission. We are in July 2011, ten months after the order of the Commission. Now the TNEB says they will give an undertaking to make the payment with three months which would amount to a year after the order of the Commission.*

*We understand the financial stringency of the TNEB. But that has not been cited as the ground by the TNEB for delaying the payment. They could have offered to make the payment in instalments which they did not do.*

*Unfortunately, no deadline has been prescribed by the Commission in order dated 07-09-2010 for making the payment. Nevertheless, since the Respondent did*

*not prefer an appeal within the stipulated time of 45 days, he should have given effect to the order. The counsel for the TNEB pleads for a time of three months to make the payment. The petitioner did not seriously object to this prayer. Therefore, the Commission directs that the payment should be made by the respondent within a period of three months. Proceeding under section 142 will be kept in suspension till then”.*

3. The above M.P.(Contempt) No.8 of 2011 came up for further hearing before the Commission on 25-11-2011. In the hearing held on 25-11-2011, the Commission held as follows:-

*“Thiru E.Manoharan, Advocate appeared for the petitioner. After hearing, the Commission passed the following order:-*

*M.P.No.8 of 2011 was taken up. The learned counsel for the petitioner stated that despite the time of three months granted by the Commission to the TNEB on 15-07-2011, payment has not been made by the TANGEDCO. The learned counsel for the TANGEDCO stated that they have preferred an appeal before the APTEL against the order of the Commission in D.R.P.No.4 of 2010. The petition has not been admitted yet. The Commission observed that the respondent had voluntarily accepted before the Commission that the payment would be made within three months, and yet payment has not been made. Therefore, the Commission is constrained to commence proceeding under section 142 of the Electricity Act, 2003”.*

4. The above M.P.(Contempt) No.8 of 2011 came up for further hearing before the Commission on 20-11-2012. In the hearing held on 20-11-2012, the Commission held as follows:-

*“Counsel for both side were present. The Learned Counsel for TANGEDCO filed a copy of the proceeding of CMD, TANGEDCO in No.361 dated 17-11-2012 confirming that the outstanding payment shall be released in three equal monthly instalments. TANGEDCO is directed to inform the Commission when every instalment is released to the petitioner. The matter shall be listed for review at an appropriate time”.*

5. The above M.P.(Contempt) No.8 of 2011 came up for final hearing before the Commission on 31-01-2013. On the said date namely, 31-01-2013, the Commission passed the following final order:-

**FINAL ORDER**

*“Counsel for petitioner was not present. Counsel for Respondent / TANGEDCO has submitted the additional affidavit confirming payment of all the three instalments. The prayer of the petitioner is complied with and the case is disposed off accordingly”.*

6. This order will be published in the website of the Commission for the information of the parties to the said M.P.(Contempt) No.8 of 2011.

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

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

/ True Copy /

Secretary  
Tamil Nadu Electricity