TAMIL NADU ELECTRICITY REGULATORY COMMISSION

(Constituted under section 82 (1) of the Electricity Act, 2003)
(Central Act 36 of 2003)

PRESENT:-

Thiru.S.Nagalsamy …. Member

and

Thiru.G.Rajagopal …. Member

M.P.Nos.17 to 26 of 2013, M.P.Nos. 29&30 of 2013, M.P.Nos.32 to 51 of 2013,

M.P.Nos.54 to 71 of 2013, M.P.Nos. 74 to 80 of 2013,

M.P.Nos. 1 to 8 of 2014, M.P.Nos.10 to 14 of 2014 & M.P.Nos.16, 17, 26 and 27 of 2014

1) Sri Rohith Spinners (P) Ltd.
HTSC No.192
No.5/60, Bridge Road
Pallipalayam, Erode – 638 006
Repd. its Director
S.Anand

(Petitioner in M.P.No.17 of 2013)

2) Suriya Spinning Mills
HTSC No.256
SF No.49/1B, Udumalpet Road
Unjavelampatti (P.O.)
Pollachi – 642 003 repd. by its Manager
K.R.Subramanian

(Petitioner in M.P.No.18 of 2013)

3) Sree Saravanabalaji Textiles
HTSC No.302
S.F.No.88/2, Mettupalayam Road
NSN Palayam, Coimbatore – 31
Repd. by its Authorised signature
A.Balamurugan

(Petitioner in M.P.No.19 of 2013)

4) Suriya Spinning Mills Unit – "B"
HTSC No.365
P1, P2, Sakthi Co-operative Industrial Estate
M.K.Patti (PO), Udumalpet Road
Pollachi – 642 003
repd. by its Manager
K.R.Subramanian

(Petitioner in M.P.No.20 of 2013)

5) Shri Dhanalakshmi Spinntex (P) Ltd.,
HT SC No.265
S.F.No.226/3, NH-47, Avinashi Road
Karumathampatti
Coimbatore – 641 659 repd. its
Authorised Signatory N. Nellaraj

(Petitioner in M.P.No.21 of 2013)

6) T.T. Limited
(Unit – Tirupathi Spinning Mills)
HTSC No.26 (TEDC)
305/1A, Palangarai Village,
Thevampalayam
Avinashi (Tk), Tiruppur – 641 654
repd. by its HRD Manager
K.Rajendran

(Petitioner in M.P.No.22 of 2013

7) Pallipalayam Spinners (P) Ltd.,
HTSC No.35
Trichy Main Road
Nilavarapatty
Salem – 636 201
Repd. by its Authorised Signature
J.Shanmugasundaram

(Petitioner in M.P.No.23 of 2013)

8) K.M.Plastics
HTSC No.611
No.188/B2A, Devarayapuram Village
Mettupalayam Post
Millkoilpalayam
Pollachi – 642 100
Repd. its Authorised Signature
M.Sivakumar

(Petitioner in M.P.No.24 of 2013)

9) N.S.P.Knitting Mills
HTSC No.231
S.F.No.163, Veeranampalayam
Muthur Road, Kangayam
Kangayam-638701
repd. its Partner G.Senniappan

(Petitioner in M.P.No.25 of 2013)

10) Rasi Tex (In) Pvt. Ltd.,
HTSC No.192, Cuddalore Main Road
Manivillunthan South (PO)
Attur (TK), Salem – 636 121 repd. by its Manager
N.Krishnan

(Petitioner in M.P.No.26 of 2013)

11) M/s.Arcot Soles (P) Ltd.,
HTSC No.84
Thuthipet, Ambur, Pincode – 635 802
Vellore District
Represented by its Manager Mr.Azhar Osif

(Petitioner in M.P.No.29 of 2013)

12) M/s.Farida Shoes (P) Ltd.,
H.T.SC.No.55
No.17, Jalal Road, Mottukollai, Ambur
Pin Code 635 802, Vellore District
Represented by its Manager, Mr.P.Atheeque Ahmed.

(Petitioner in M.P.No.30 of 2013)

13) Venilakshmi Mills (P) Ltd.,
HTSC No.247
SF.No.570/4A, Kathirnaickenpalayam
K.Vadamadurai PO
Coimbatore – 641 017 repd its
Director N Pradeep

(Petitioner in M.P.No.32 of 2013)

14) VMD Mills (P) Ltd.,
HTSC No.294
No.427-B, Pollachi Road
Kamanaickenpalayam
Palladam Taluk
Coimbatore – repd its Manager
S.Chandrasekar

(Petitioner in M.P.No.33 of 2013)

15) Mallur Siddeswara Spinning Mills (P) Ltd.,
HTSC No. 89
Rasipuram Taluk
Athanur (Post)
Namakkal 636 301 repd by its Manager
K.Mohan

(Petitioner in M.P.No.34 of 2013)

16) Shri Cheran Synthetics India Ltd.,
HTSC No.261, 24, Sankari Main Road
Pallipalayam, Erode District
repd. by its Manager S.Karthikeyan

(Petitioner in M.P.No.35 of 2013)

17) Coimbatore Kalpanaa Tex Mill Ltd.,
HTSC No.214
No.4/68F, Kalpana Complex
49, Kavundampalayam, M.T.P.Road
Coimbatore – 641 030 Repd. by its Manager
D.Soundararaj

(Petitioner in M.P.No.36 of 2013)

18) Raghav Industries Ltd.,
HTSC No. 176, T.S.No.7, Kattipalayam
Tiruchengode – Namakkal Main Road
Ela Nagar, Namakal repd. by its
Manager R.Chandran

(Petitioner in M.P.No.37 of 2013)

19) Lucky Yarn Tex India Ltd.,
HTSC No.332
S.F.No.35.2 Anangur Road
Nettavelampalayam
Tiruchengode – 637 304, Namakkal
Represented by its Authorised signature
S.Janarathanan

(Petitioner in M.P.No.38 of 2013)

20) Chenniappa Yarn Spinners (Pvt.) Ltd.,
HTSC No.165
S.F.No.95/1, Mangarasa Valayampalaym
Alathur Medu
Avinashi – Puyliampatti Road
Tirupur District repd. its
Authorised Signatory V.Senthilkumar

(Petitioner in M.P.No.39 of 2013)

21) K.A.C. Yarn Private Ltd.,
HTSC No.73
Cuddalore Main Road, Valapady – 636 115
Salem
repd by its Director C.Parthasarathy

(Petitioner in M.P.No.40 of 2013)

22) Arunkumar Spinning Mills (P) Ltd.,
HTSC No.157
Kariyampalayam Post
Annur- 641 653
Coimbatore District
By its Manager A.Thirumoorthy

(Petitioner in M.P.No.41 of 2013)

23) Senthil Nathan Spinning Mills (P) Ltd.,
HTSC No.201
Regd. Office: 1D, Ramalinga Chetty Street
Dharmapuri – 636 701
Repd. by its Manager C.Selvam

(Petitioner in M.P.No.42 of 2013)

24) V.S.M. Weaves India Ltd.,
HTSC No.227
27-C, Bye Pass Road, E.Kattur
Elanthakuttai, Pallipalayam, Erode District
Repd. by its Manager S.Karthikeyan

(Petitioner in M.P.No.43 of 2013)

25) Viking Textiles (Pvt.) Limited.,
HTSC No.101
505, Avanashi Road
TIRUPUR – 641 603
repd by its Manager S.Loganathan

(Petitioner in M.P.No.44 of 2013)

26) K.S.R. Textiles Private Ltd.,
HTSC No.308
K.S.R. Kalvi Nagar
Thokkavaid Post
Tiruchengodu – 637 209
Namakkal repd by its Manager
P.Govindasamy

(Petitioner in M.P.No.45 of 2013)

27) K.S.R. Textiles Private Ltd.,
HTSC No.112
K.S.R.Kalvi Nagar
Thokkavaid Post
Tiruchengodu – 637 209
Namakkal repd by its Manager
P.Govindasamy

(Petitioner in M.P.No.46 of 2013)

28) Gangai Spinning Mills
HTSC No. 101
S.F.No.199, Karuvalur Village
Kovil Palayam Road
Karuvalur, Avinashi Taluk
Coimbatore District repd. its
Authorised Singature V.Ramesh Krishnan

(Petitioner in M.P.No.47 of 2013)

29) Hindustan Cotton Spinning MIlls
HTSC No.79
No.341, Mettupalyam Road
Narasimmanaickenpalayam
Coimbatore – 641 658 District
repd. by its Manager K.Rajendran

(Petitioner in M.P.No.48 of 2013)

30) K.A.S. Industries India Limited,
Naneepalayam
Thanneer Panthal
Vellode (Via), Perundurai Taluk
Erode – 638 112, Repd. by its Director
A.Shraf Ali Khan

(Petitioner in M.P.No.49 of 2013)

31) Mirnal Spinning Mills
HTSC No.276
No.285, Pollachi Main Road
Malumichampatty
Coimbatore
Repd. its Manager, K.Aruchamy

(Petitioner in M.P.No.50 of 2013)

32) Mirnal Spinning Mills Unit II
HTSC No. 606
S.F.No.65/1, Arasampalayam
Kinathukadavu, Pollachi Taluk, Coimbatore
repd. its Manager
K.Aruchamy

(Petitioner in M.P.No.51 of 2013)

33) M/s.VTM Limited
Represented by its General Manager
P.B.No.39, Soolakarai, Virudhunagar
Virudhunagar District

(Petitioner in M.P.No.54 of 2013)

34) Tirupur Textiles Private Limited, Jubilee Unit
Represented by its Executive Director, Mr.K.Chelladurai
Regd. Office at No.1, Anupparpalayam
Tirupur – 641 652.

(Petitioner in M.P.No.55 of 2013)

35) Tirupur Textiles Private Limited, Unit No.2
Represented by its Executive Director
Mr.K.Chelladurai
Regd. Office at No.1, Anupparpalayam
Tirupur – 641 652

(Petitioner in M.P.No.56 of 2013)

36) Tirupur Textiles Private Limited
Represented by its Executive Director, Mr.K.Chelladurai
Regd. Office at No.1, Anupparpalayam, Tirupur – 641 652.

(Petitioner in M.P.No.57 of 2013)

37) Tirupur Textiles Private Limited
Jubilee Unit, HT SC No.6
Represented by its Executive Director, Mr.K.Chelladurai
Regd. Office at No.1, Anupparpalayam, Tirupur – 641 652.

(Petitioner in M.P.No.58 of 2013)

38) Tirupur Textiles Private Limited
(CBE Branch), Unit No.2, HT SC No.90
Represented by its Executive Director, Mr.K.Chelladurai
Regd. Office at No.1, Anupparpalayam, Tirupur – 641 652.

(Petitioner in M.P.No.59 of 2013)

39) Tirupur Textiles Private Limited
Unit No.1, HT SC No.1
Represented by its Executive Director, Mr.K.Chelladurai
Regd. Office at No.1, Anupparpalayam, Tirupur – 641 652.

(Petitioner in M.P.No.60 of 2013)

40) M/s.Palladam Hi-Tech Weaving Park
HT SC No.316
Represented by its Director Mr.Era.Velusamy, S/o. M.Ramasamy
Ayyampalayam, Palladam – 641 662.

(Petitioner in M.P.No.61 of 2013)

41) Harshni Textiles Limited
Represented by its Manager–Finance Mr.A.Alwar
504, Avanashi Road, Peelamedu
Coimbatore – 641 004.

(Petitioner in M.P.No.62 of 2013)

42) M/s.Rajave Textiles Private Limited
Represented by its Electrical Engineer, Mr.R.Murali
77/1, Kannampalayam Road, Sulur
Coimbatore – 641 402.

(Petitioner in M.P.No.63 of 2013)

43) M/s.Precot Meridian Limited
HT SC No.593
Represented by its Company Secretary Mr.C.Murugesh
SUPREM, 737, Pulikulam Road
Coimbatore – 641 045.

(Petitioner in M.P.No.64 of 2013)

44) Precot Meridian Limited
HT SC No.604
Represented by its Company Secretary Mr.C.Murugesh
SUPREM, 737, Pulikulam Road
Coimbatore – 641 045.

(Petitioner in M.P.No.65 of 2013

45) M/s.Sabari Textiles Private Limited
HT SC No.525
Represented by its Chief Executive Officer, Mr.S.Sivakumar
59/1, Velappanaicken Palayam P.O. Vadavalli Village
Sulur Taluk, Coimbatore – 641 669.

(Petitioner in M.P.No.66 of 2013)

46) M/s.Ennar Spinning Mills Private Limited
Represented by its Factory Manager Mr.V.Valliappan
S.F.No.307, Kadathur Pirivu, Kunnathur Pudur (PO)
Sathy Main Road (Via Annur), Coimbatore – 641 107.

(Petitioner in M.P.No.67 of 2013)

47) M/s.Standard Spinning and Weaving Mills Limited
Represented by its Manager Mr.Agastheeswaran
Chinnapandithanpatti, Near Malli Village
Srivilliputtur Taluk – 626 141
Virudhunagar District

(Petitioner in M.P.No.68 of 2013)

48) M/s.Thiagarajar Mills Private Limited
Represented by its General Manager
Kappalur, Madurai – 625 008.

(Petitioner in M.P.No.69 of 2013)

49) M/s.Thiagarajar Mills Private Limited, Unit III
Represented by its General Manager, Nilakottai.

(Petitioner in M.P.No.70 of 2013)

50) M/s.Super Spinning Mills Ltd.,
"C" Unit, HT SC No. 127
Reresented by its Manager Unit Head
D Gudalur, Dindigul District – 624 620.

(Petitioner in M.P.No.71 of 2013)

51) M/s. Sandhya Spinning Mill Ltd.,
Represented by its General Manager-Electrical
Mr.B.Velvendan
Registered Office No.47, P.S.K. Nagar
Rajapalayam – 626 108.

(Petitioner in M.P.No.74 of 2013)

52) M/s. Sri Vishnu Shankar Mill Ltd.,
Represented by its General Manager-Electrical
Mr.B.Velvendan
Post Box No.109
P.A.C.R. Salai
Rajapalayam – 626 117.

(Petitioner in M.P.No.75 of 2013)

53) M/s. Sudarsanam Spinning Mills
(A division of the Ramaraju Surgical Cotton Mills Ltd.)
Represented by its General Manager-Electrical
Mr.B.Velvendan
Post Box No.2
118, P.A.C. Ramasamy Raja Salai
Rajapalayam – 626 117.

(Petitioner in M.P.No.76 of 2013)

54) M/s.Sri Ramco Spinners
(A division of Ramco Industries Limited)
Represented by its General Manager –Electrical
Mr.B.Velvendan
Post Box No.127
Krishnapuram Road
(Off. P.A.C. Ramasamy Raja Salai)
Rajapalayam – 626 117.

(Petitioner in M.P.No.77 of 2013)

55) M/s.Rajapalayam Mills Ltd
Represented by its General Manager-Electrical
Mr.B.Velvendan
P.A.C.R. Salai
Post Box No.1
Rajapalayam – 626 117.

(Petitioner in M.P.No.78 of 2013)

56) M/s.Rajapalayam Spinners Private Limited
Represented by its General Manager-Electrical
Mr.B.Velvendan
Administrative Office
Rajapalayam Mills Premises
P.A.C. Ramasamy Raja Salai
P.B.No.1
Rajapalayam-626 117.

(Petitioner in M.P.No.79 of 2013)

57) M/s.Rajapalayam Textiles
(A Division of Rajapalayam Mills Ltd.)
Represented by its General Manager-Electrical Mr.B.Velvendan
Perumalpatti
Sankarankovil Taluk
Tirunelveli District

(Petitioner in M.P.No.80 of 2013)

58) Raju Spinning Mills (Pvt) Limited,
HTSC No.78
Srivilliputtur Road (Near R.T.O. Office)
Melapattam Karisalkulam – 626 110
SRIVILLIPUTTUR (TK) – Repd. by its Manager
K.Muthulingam

(Petitioner in M.P.No.1 of 2014)

59) Raju Spinning Mills (Pvt) Limited “B” Unit
HTSC No.173
Vanniyampatti Road
Padukkasuvaithanpatti Village
Vaithialingapuram – 626 154
SRIVILLIPUTTUR (Tk) – Repd. by its Manager
K.Muthulingam

(Petitioner in M.P.No.2 of 2014)

60) Eastern Condiments Pvt. Ltd.,
HT SC No.30
4-1-145/2, Mariamman Koil Patty
Kodankipatty (PO)
THENI – 625 531
Repd. by its Deputy Manager (Engg)
N.Vijayakumar

(Petitioner in M.P.No.3 of 2014)

61) Aswin Textiles (P)m Ltd.
HT SC No.200
Therpattipirivu
Palani Road
Dharapuram – 638 673
Repd. by its Manager K.Periyasamy

(Petitioner in M.P.No.4 of 2014)

62) Raju Spinning Mills (Pvt) Limited "B" Unit (Expansion)
HTSC No. 216
Vanniyampatti Road
Padukkasuvaithanpatti Village
Vaithialingapuram – 626 154
SRIVILLIPUTTUR (Tk) – Repd by its Manager
K.Muthulingam

(Petitioner in M.P.No.5 of 2014)

63) Aruppukottai Sri Jayavilas Ltd.,
Cotton Spinning Mills 'B' Unit
HTSC No.150
Tamilpadi Post
Tiruchuli Taluk, Aruppukottai – 626 129
VIRUDHUNAGAR DIST – Repd by its Manager
S.Nagarajan

(Petitioner in M.P.No.6 of 2014)

64) Iswari Spinning Mills,
HTSC No.229
Oddanchatram
Vedasandur Road
Sullerumpu (Post)
Dindigul District repd. by its Manager
P.Ponnuswamy

(Petitioner in M.P.No.7 of 2014)

65) Sri Raju Cotton Mills
1110-B, Cotton Market
Rajapalayam – 626 117
Virudhunagar District, repd by its
Manager K.Muthulingam

(Petitioner in M.P.No.8 of 2014)

66) EVEREADY SPINNING MILLS PRIVATE LIMITED
HTSC No.104
Kottaiyur-Agaram Village
Thadicombu, Dindigul – 624 709
Dindigul District – repd by its
Joint Managing Director Mr.S.Chandrakumar
(Petitioner in M.P.No.10 of 2014)

67) EVEREADY SPINNING MILLS PRIVATE LIMITED – UNIT - II
HTSC No.177
Nagampatty
Vedasandur – 624 710
Dindigul District – repd by its
Joint Managing Director Mr.S.Chandrakumar
(Petitioner in M.P.No.11 of 2014)

68) EVEREADY SPINNING MILLS PRIVATE LIMITED – UNIT - III
HTSC No.282
Nagampatty
Vedasandur – 624 710
Dindigul District – repd by its
Joint Managing Director Mr.S.Chandrakumar
(Petitioner in M.P.No.12 of 2014)

69) EVEREADY SPINNING MILLS PRIVATE LIMITED – UNIT - IV
HTSC No.347
Kottaiyur – Agaram Village
Thadicombu, Dindigul – 624 709
Dindigul District – repd by its
Joint Managing Director Mr.S.Chandrakumar
(Petitioner in M.P.No.13 of 2014)

70) K.M.D. Clothing
HTSC No.209
No.74, G.Sankari Main Road
Annadhanapatti
Salem – 636 002
Repd. by its Admin Manager
B.Suresh
(Petitioner in M.P.No.14 of 2014)

71) M/s.Super Sales India Limited, Jay Textiles Unit -I
Represented by its General Manager – Finance Mr.S.Ravindran
Ayyampalayam, Palakkad Road, Pollachi – 642 005
HT SC No. 155
(Petitioner in M.P.No.16 of 2014)

72) M/s.Super Sales India Limited, Jay Textiles Unit -II
Represented by its General Manager – Finance Mr.S.Ravindran
Othakkalmandapam, Coimbatore – 641 032.
HT SC No. 13
(Petitioner in M.P.No.17 of 2014)

73. M/s.Aruppukottai Sri Jayavilas Limited
Represented by its Manager V.Ramakrishnan
HTSC No.68
258, Thiruchuli Road
Melakandamangalam, Aruppukottai

(Petitioner in M.P.No.26 of 2014)

74) M/s.Aruppukottai Sri Jeyavilas Limited
HTSC No.68
Represented by its Manager V.Ramakrishnan
258, Thiruchuli Road
Melakandamangalam, Aruppukottai
Virudhunagar District

(Petitioner in M.P.No.27 of 2014)

Versus

1. The Chairman
Tamil Nadu Generation and Distribution
Corporation Limited
144, Anna Salai
Chennai – 600 002.

(Respondent in M.P. Nos.
17,18,19,20,21,22,23,24,25,26,29,30,32,33,
34,35,36,37,38,39,40,41,42,43,44,45,46,47,
48,49,50,51,54,55,56,57,58,59,60,61,62,63,
64,65,66,67,68,69,70,71,74,75,76,77,78,79,
80 of 2013 ;

M.P.No.1,2,3,4,5,6,7,8,10,11,12,13,14,16,
17,26 and 27 of 2014)

2. The Chief Engineer, NCES
144, Anna Salai
Chennai – 600 002.

(Respondent in M.P.Nos.
18, 20,22,23,25,26,34,35,37,39,42,
43,44,48,49 of 2013 and
M.P.Nos.1,2,3,4,5,6,7,8,10,11,12,13,26
and 27 of 2014)

3. The Superintending Engineer
Mettur Electricity Distribution Circle
TANGEDCO
TNEB
Mettur Dam.

(Respondent in M.P.Nos.
17,35,38,43,45,46 of 2013)

4. The Superintending Engineer
Udumalpet Electricity Distribution Circle
TANGEDCO, TNEB, Udumalpet.

(Respondent in M.P.Nos.18,20,62 of 2013 and M.P.No.4, 14, 16, 17 of 2014)

5. The Superintending Engineer
Coimbatore North Electricity Distribution Circle
TANGEDCO, TNEB, Coimbatore

(Respondent in M.P.Nos.19,32,36,41,48,67 of 2013)

6 The Superintending Engineer
Coimbatore South Electricity Distribution Circle
Tamil Nadu Electricity Board
Coimbatore.

(Respondent in M.P.Nos.21,24,33,41,50,51 64,65,66 of 2013 and M.P.No.17 of 2014)

7. The Superintending Engineer
Tiruppur Electricity Distribution Circle
TANGEDCO, TNEB, Tirupur.

(Respondent in M.P.Nos.22,29,30,39,47, 55,57,58, 60,61 of 2013)

8. The Superintending Engineer
Salem Electricity Distribution Circle
TANGEDCO, Salem

(Respondent in M.P.Nos.23,40 of 2013 and 14 of 2014)

9. The Superintending Engineer
Erode Electricity Distribution Circle
Tamil Nadu Electricity Board
Erode.

(Respondent in M.P.Nos.25,44, 49 of 2013)

10. The Superintending Engineer
Tamil Nadu Electricity Board
Namakkal Electricity Distribution Circle
Namakkal

(Respondent in M.P.Nos.26, 34, 37 of 2013)

11. The Superintending Engineer
Dharmapuri Electricity Distribution Circle
Tamil Nadu Electricity Board
Dharmapuri.

(Respondent in M.P.No.42 of 2013)

12. The Superintending Engineer
Virudhunagar Electricity Distribution Circle
Tamil Nadu Generation and Distsribution
Corporation Limited (TANGEDCO)
(Respondent in M.P.Nos.54,68,74,75,76,77, 78,79 of 2013 and M.P.No.1,2,5,6,8,26 and 27 of 2014)

13. The Superintending Engineer
Coimbatore Electricity Distribution Circle / Metro
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
(Respondent in M.P.Nos.56, 58, 59, 63 of 2013)

14. The Superintending Engineer
Madurai Electricity Distribution Circle / South
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
Madurai – 625 007.
(Respondent in M.P.No.69 of 2013)

15. The Superintending Engineer
Dindigul Electricity Distribution Circle
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
Dindigul
(Respondent in M.P.Nos.70,71 of 2013 and M.P.No.7, 10, 11,12, 13 of 2014)

16. The Superintending Engineer
Tirunelveli Electricity Distribution Circle
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
Tirunelveli
(Respondent in M.P.No.80 of 2013)

17. The Deputy Financial Controller (I.C.)
Thirupattur Electricity Distribution Circle
TANGEDCO
Tamil Nadu Electricity Board
Thirupattur.
(Respondent in M.P.Nos.29, 30 of 2013)

18. The Superintending Engineer
Theni Electricity Distribution Circle
TANGEDCO, TNEB, THENI
(Respondent in M.P.No.3 of 2014)

19. The Deputy Financial Controller (I.C.)
Thirupattur Electricity Distribution Circle
TANGEDCO
Tamil Nadu Electricity Board
Thirupattur.

(Respondent in M.P.Nos.29, 30 of 2013)

20. The Accounts Officer
Mettur Electricity Distribution Circle
TANGEDCO, TNEB, Metturdam

(Respondent in M.P.Nos.17, 38, 43, 45
46 of 2013)

21. The Accounts Officer / Revenue
Coimbatore North Electricity Distribution Circle
TANGEDCO, TNEB, Coimbatore

(Respondent in M.P.Nos.19,32,36 of 2013)

22. The Accounts Officer / Revenue
Coimbatore South Electricity Distribution Circle
Tamil Nadu Electricity Board
Coimbatore.

(Respondent in M.P.Nos.21,24,33,41,50,51,
66 of 2013)

23. The Accounts Officer / Revenue
Salem Electricity Distribution Circle
TANGEDCO, TNEB, Salem

(Respondent in M.P.Nos.40 of 2013 and
M.P.No.14 of 2014)

24. The Accounts Officer / Revenue
Tiruppur Electricity Dsitribution Circle
TANGEDCO, TNEB, TIRUPPUR.

(Respondent in M.P.Nos.47, 58, 60, 61 of
2013)

25. The Accounts Officer / Revenue
Coimbatore Electricity Distribution Circle (Metro)
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)

(Respondent in M.P.Nos.58, 59 of 2013)

26. Shalivagana Wind Enginery Ltd.
7th Floor. Minerva Complex
94, S.D. Road
Secunderabad - 3

(Respondent in M.P.Nos.29 and 30 of 2013)

Counsel for the Petitioners: M.P.Nos.17 to 26 of 2013 Thiru A.R.L.Sundaresan
M.P.Nos.32 to 51 of 2013 Senior Advocate for
M.P.Nos.1 to 8 of 2014 Thiru R.S.Pandiyaraj
M.P.Nos.10 to 14 of 2014

M.P.Nos.29 & 30 of 2013
M.P.Nos.26 and 27 of 2014 - Thiru K.Seshadri

M.P.Nos.54 to 71 of 2013
M.P.Nos.16 and 17 of 2014 - Thiru N.L.Rajah

M.P.Nos.74 to 80 of 2013 - Thiru Rahul Balaji

Counsel for the Respondents: Thiru P.H.Aravind Pandian, Additional Advocate General for Thiru P.H.Vinod Pandian, Standing Counsel for the Respondents 1 to 25.

Dates of hearing : 10-02-2014, 25-02-2014, 07-04-2014 22-04-2014 and 29-04-2014
Date of order : 15-09-2014

The above Miscellaneous Petitions except M.P.Nos.26 and 27 of 2014 came up for final hearing before the Commission on 22-04-2014. M.P.Nos.26 and 27 of 2014 came up for final hearing on 29-04-2014. The Counsel for the Petitioner in M.P.Nos.26 and 27 of 2014 prayed that similar orders as in the other M.Ps. may be passed in the said M.Ps. also. The contentions and prayer in all the above 74 petitions are similar. The Commission upon perusing the above petitions and the connected records and after hearing both sides passes the following:-

COMMON ORDER

1. Prayer of the Petitioners:-

The prayer of the petitioners is to forbear the TANGEDCO from taking energy adjusted instead of energy available to the credit of the Petitioners for the purpose of equivalent demand calculation till the power cut, load shedding are in force and direct the TANGEDCO to give refund / adjustment of the amount already collected from the Petitioner and pass such further or other orders as deemed fit.

2. Facts of the case:-

2.1. Considering the power shortage in the State of Tamil Nadu, the TNEB approached the Commission for imposition of Restriction and Control Measures. The Commission after following the statutory procedure issued an order in M.P.No.42 of 2008.

2.2. This matter was further examined by the Commission in S.M.P.No.1 of 2009 after a batch of Writ Petitions were filed in the High Court of Madras wherein certain judgments were passed. In order dated 28-10-2009 made in the said in S.M.P.No.1 of 2009, the Commission ruled inter-alia that "the demand and energy quota for the wind energy supplied after 01-11-2008 shall be fixed in accordance with the Memo dated 17-11-2008 of TNEB".

2.3. The TNEB has issued Lr.No.CFC/Rev/FC/R/D.No./10, dated 25-06-2010 wherein the TNEB has sought to clarify "actual energy supplied" in Memo dated 17-11-2008 to mean actual energy adjusted.

2.4. Aggrieved by the said letter dated 25-06-2010, M/s.Indian Wind Power Association (IWPA) and The South India Mills Association (SIMA) had filed M.P.No.31 of 2010 and M.P.No.42 of 2010, respectively. The Commission disposed of the said M.Ps. vide order dated 28-12-2011. In para 14.11 of the said order dated 28-12-2011, the Commission ruled inter-alia that the impugned clarification dated 25-06-2010 issued by the TANGEDCO is in order.

2.5. Challenging the order of the Commission dated 28-12-2011, IWPA and SIMA filed Appeal No.51 of 2012 and Appeal No.56 of 2012, respectively, before the

APTEL. The APTEL pronounced its order in the said Appeals No.51 and 56 of 2012 on 12-12-2012.

2.6. In the said order dated 12-12-2012, the APTEL allowed the said Appeals and set aside the impugned order of the Commission to the limited extent of the date of effect of the Circular issued by the CFC, TNEB on 25-06-2010, finding that from 01-10-2010 the method of calculating the equivalent demand on the basis of energy from wind energy generators actually consumed or adjusted in consonance with the order dated 07-09-2010 read with Memo dated 17-11-2008 shall take effect. In this regard, the APTEL also directed the Commission to pass the consequential order within 30 days from the date of communication of his judgment. Accordingly in R.A.No.2 of 2013, the Commission made an order on 29-01-2013 wherein it has inter-alia, ordered that TANGEDCO shall resort to calculation of demand energy quota based on the wind energy actually consumed by the captive users and adjusted in the same month with effect from 01-10-2010.

2.7. In the present Miscellaneous Petitions, the petitioners have challenged the levy of penalty in the form of excess demand charges in Sl.No.13 (f) of the bills raised by the TANGEDCO for the reason that the formula for calculating the equivalent demand followed by the TANGEDCO is not in order in view of the prevailing scheduled and unscheduled load shedding effected during the peak hours.

3. Contentions of the Petitioners:-

3.1. The Respondent TANGEDCO is unable to supply sufficient quantity of power from April 2007 onwards and had been imposing power cuts currently at 40%, besides to peak hour restrictions, unscheduled tripping and load shedding to the

extent of 10 hours a day and the Petitioners were facing frequent fluctuations in supply and interruptions in power. Due to heavy power cut prevailing in the State of Tamil Nadu, the Petitioners were unable to meet out the delivery schedules and was facing problems in labour management and also undergoing huge loss in production.

3.2. In order to tide over the power crisis, the Petitioners have installed wind mills for generating wind energy to meet out their energy requirements for their captive consumption. The Petitioners are generating energy in their own wind mills throughout the day including evening peak hours, between 6.00 p.m. to 10.00 p.m.

3.3. Insofar as the HT consumers are concerned, II Part Tariff System is applicable. In II Part Tariff System, charges are made for energy consumed in units separately as energy charges and demand charges separately for the recorded demand. Whereas for LT consumers, it is only single tariff, viz. energy charge alone is levied.

3.4. Insofar as the HT consumers who do not own wind mills for their captive consumption or where there is no CPP or third party power purchase is involved the quota is fixed without any difficulty based on the procedure as laid down in the Circular Memo dated 01-11-2008 issued by the Respondent / TANGEDCO. While fixing the quota for wind energy captive generators, CPP and third party power purchase consumers, since they are also generating demand out of the energy supplied by them by injecting the energy into the TNEB grid from other sources, the equivalent demand was calculated based on the energy supplied / injected into the TNEB grid.

The formula for calculating equivalent demand was as follows:-

$$\text{Equivalent demand} = \frac{\text{Energy supplied by CPP/Wind Mills/Third Party Purchase}}{\text{No. of days x No. of hours x Power Factor}}$$

But all of a sudden, without approval of the TNERC, the Respondent TNEB has issued a Circular Memo dated 25-06-2010 changing the above formula by stating that energy adjusted / consumed should be taken for equivalent demand calculation instead of energy supplied / injected. The operative portion of the Circular Memo dated 25-06-2010 is reproduced below:-

> "iv. Therefore, the deemed demand will also be allowed only based on the actual units adjusted and not based on the energy supplied / injected into the grid".

In view of the Circular dated 25-06-2010, the Superintending Engineer concerned is now calculating equivalent demand as per the formula given below:-

$$\text{Equivalent demand} = \frac{\text{Energy adjusted by CPP/Wind Mills/Third Party Purchase}}{\text{No. of days x No. of hours x Power Factor}}$$

3.5. The formula in the Circular dated 25-06-2010 would be correct in the normal circumstances when there is no scheduled and unscheduled load shedding or tripping during normal hours and peak hours. But, it would not be correct where the consumer is prevented from consuming their own generated / injected energy during peak hours or any hours by resorting to load shedding or tripping, due to which the equivalent demand comes down drastically, when compared to the equivalent demand they are eligible if they are permitted to consume the entire energy available at their credit.

3.6. Aggrieved by the sudden change in the formula, some Associations have filed petitions before TNERC in M.P.No.32 of 2010 and M.P.No.41 of 2010. The TNERC has passed its order upholding the Circular Memo dated 25-06-2010. The Petitioners are not challenging the validity of the above order passed by the TNERC in M.P.No.32 and 41 of 2010, since the relief sought for by the Petitioner in the present petitions is not related to the issue decided in the above order. The above order is applicable when there is no load shedding / power cut or tripping in any manner at a given point of time including peak hours. Whereas the present petition is to challenge the levy of penalty during peak hours for alleged excess demand consumption due to the fault of the TANGEDCO by reducing the Petitioner's consumption by enforcing power cut.

3.7. In the case where there is scheduled and unscheduled power cut / load shedding during normal hours and evening peak hours, the consumer is prevented from consuming their own energy equivalent to their energy generated and injected to the grid by their wind mills and it is not fair on the part of the Respondent to levy penalty by taking only the consumed / adjusted units for the purpose of calculation of equivalent demand instead of taking the eligible wind energy available slot-wise to the credit of the petitioner.

3.8. The Petitioners are eligible for quota upto sanctioned demand and energy vide para 4.4 of the order made in M.P.No.6,9,17 of 2010 and D.R.P.No.17 of 2010 dated 07-09-2010 by the TNERC. The said para 4.4. reads-

> *"4.4. the consumer is at present permitted to utilize power from captive sources. The present order would enable a consumer to purchase power from third party sources as well. Procurement of power by a consumer through open access is protected by the Electricity Act, 2003. The role of the*

licensee is limited to that of a carrier. Procurement through Open Access will be treated as an additionality. The ceiling, upto which a consumer can utilize power including the TNEB quota demand, captive power and third party purchase would be the sanctioned demand. In such a situation, there would be no need for advance declaration by the consumer of procurement of captive power as stipulated in S.M.P.No.1 of 2009 or procurement of third party power as stipulated in the interim order dated 17-08-2010. As the TNEB has allowed procurement of power upto the sanctioned demand in their communication dated 17-07-2009 "procedure for allowing third party sale / purchase under intra-state open access" there should be no difficulty in allowing the consumer to procure power upto the sanctioned demand".

Therefore, all put together, i.e.TNEB portion and wind energy portion (injected and not consumed), the Petitioners are eligible for demand and energy quota upto sanctioned demand.

3.9. The Petitioners are having sufficient generation of wind energy during normal hours / evening peak hours and they are also eligible for adjustment / consumption of such energy generated during evening peak hour as per the slot-wise adjustment permitted by the Respondent TANGEDCO vide clause 5 of the Energy Wheeling Agreement entered into between the petitioner and the Respondent TNEB. Under clause 4 (b) of the Energy Wheeling Agreement, the energy generated in the wind mills shall be adjusted for captive consumption in the following manner, namely,-

(i) Peak hour generation with peak hour consumption

(ii) Off-peak hour generation with off-peak hour consumption and

(iii) The normal hour generation with normal hour consumption.

3.10. If the consumer is prevented from consuming eligible energy available to their credit slot-wise, the concept of giving equivalent demand based on energy adjusted / consumed would not be correct and lawful. Therefore, the levy of penalty for the

alleged excess demand consumption based on the calculation of equivalent demand worked out on the energy adjusted / consumed basis during the enforcement of scheduled and unscheduled load shedding during evening peak hour is arbitrary, unlawful and hence liable to be set aside.

3.11. In the case of the Petitioner in M.P.No.17 of 2003 which has taken as a sample case, the Accounts Officer, Mettur Electricity Distribution Circle levied penalty of Rs.1,86,945/- for the month of October 2012 under Serial No.13(f) of the bill No.192 dated 01-11-2012 towards alleged excess demand consumption of 311.58 KVA. As a matter of fact, the Petitioner was having energy of about 167660 units during evening peak hour to their credit bought from wind energy and therefore, eligible for 1411 KVA during evening peak hour. Their actual recorded demand during evening peak hour was only 980 KVA. Therefore, there was no actual excess demand consumption as alleged by the Respondent TANGEDCO. The TANGEDCO has taken only the actual restricted consumption 67,820 units for equivalent demand calculation and arrived at equivalent demand of 570.88 KVA and added 10% during peak hour quota for the lighting and security purpose, thus allowed only 668.43 KVA. Thus, after deducting 668.43 KVA from 980 KVA, the Respondent Board has levied penalty for 311.58 KVA as if the Petitioner has exceeded the equivalent demand. If the Petitioner is fairly allowed to consume without any load shedding during evening peak hours, there would not be any occasion to levy penalty as levied by the Accounts Officer, Mettur Electricity Distribution Circle. On the other hand, the TANGEDCO has taken only the restricted / adjusted, viz. 67,820 units due to scheduled and unscheduled power cut during evening peak hours and allowed only 668.43 KVA demand as equivalent demand during evening peak hours considering the limited usage of energy due to the Respondents' enforcement of load shedding

during peak hours. But for the Respondents' enforcement of load shedding, the Petitioner would have availed the full power as enough of power was available at his account and accordingly, his equivalent demand would have been raised to the required extent. However, the Respondents have not permitted to use the energy generated and injected and by way of load shedding, they have prevented the petitioner to make use of his own energy during the evening peak hours. Such action is arbitrary, unreasonable, unlawful and unsustainable in law and hence liable to be set aside.

3.12. In the case of the Petitioner in M.P.No.17 of 2013, the details of calculation of equivalent demand are as below:-

Details of Calculation of Equivalent Demand:-

Recorded Demand during evening peak hour = 980 KVA

Equivalent Demand Calculation as per the Petitioner:

Units available to the credit of the Petitioner during

Evening peak hours (wind energy) = 1,77,335 Units

Eligible Equivalent Demand = $\frac{1,67,660}{30 \text{ days} \times 4 \text{ hours} \times 0.99}$: 1411 KVA

Excess demand available to the Petitioner (1411 KVA – 980 KVA)=431 KVA

Therefore, excess demand consumption = Nil

From the above, there was no excess demand consumption as alleged by the Respondent TNEB if at all there was no scheduled and unscheduled load shedding during the evening peak hours.

Equivalent Demand Calculation as per Respondent:-

As per TNEB calculation based on energy adjusted / consumed = 67,820 / (30 days x 4 hours x 0.98) = 570.88 KVA

Add: TNEB Portion at 10% during evening peak hour = 97.55 KVA

= 668 KVA

Therefore, alleged excess demand for which penalty is levied (980 KVA – 668 KVA) = 311.58 KVA

Penalty : 311.58 KVA x Rs.600/- = Rs.1,86,945/-

This levy of penalty is arbitrary, unreasonable and unsustainable in law when the Petitioner was prevented from consuming their own wind energy available at their credit due to scheduled and unscheduled power cut during evening peak hours.

3.13. Had the Respondent not resorted to scheduled and unscheduled load shedding during evening peak hours and allowed the Petitioners to consume their wind energy available to their credit to its entirety during evening peak hours, there would not be any occasion to levy penalty as levied now.

3.14. It is due to the fault of the Respondent TNEB by not allowing the Petitioner to consume the wind energy injected and available to their credit during evening peak hours this penalty is levied for no fault of the Petitioner. By restricting the consumption of the Petitioner drastically during evening peak hours by resorting to scheduled and unscheduled load shedding, the Petitioner cannot be held responsible to pay the penalty as it is only on the lapse on the part of the Respondent, the Petitioner was not able to consume more energy.

3.15. In M.P.No.17 of 2003, the Petitioner has not exceeded the demand quota and it is only the Respondent TNEB who prevented the Petitioner from consuming the eligible wind energy during evening peak hour which resulted in short fall of equivalent demand, because the equivalent demand was calculated wrongly based on the energy consumed / adjusted which could be done only when there is no restriction of consumption during the evening peak hour. The Respondent has resorted to similar wrong calculations in the CC bills for the months of August and September 2012 which the Petitioner has paid under threat of disconnection.

3.16. From 07-02-2012, the Respondent TNEB has officially announced a load shedding of 8 hours, i.e. load shedding of 3 hours in the morning, 3 hours in the evening, 2 hours in peak hours. Besides this, they are also resorting to unscheduled load shedding then and there without any notice during night hours from 08-02-2012.

3.17. The Petitioners met the officials of the Respondent to represent the grievance and however, there is no response from them. They informed that they have not received any communication from their Head Office and therefore, they cannot help the petitioner even though the grievance is genuine.

4. Contention of the Respondents:-

4.1. The TNERC is vested with power and jurisdiction to adjudicate upon the disputes between the licensees and generating companies and to refer any dispute for arbitration, under section 86 (1) (f) of the Electricity Act, 2003. None of the Petitioners is generator of electricity and as such the Petitioners herein are not entitled to seek adjudication of their disputes with TANGEDCO by the Commission. As such, the petitions are liable to be dismissed in limine based on the judgment of

the Supreme Court rendered in the case of Maharashtra State Electricity Distribution Company Limited Vs. Lloyds Steel Industries Limited reported in AIR 2008 Supreme Court 1042, wherein it has been specifically held that compliance of the individual consumers are outside the jurisdiction of the State Commission.

4.2. Pursuant to the representations received from various HT consumers requesting for fixation of quota as aggregate total of 60% of their TNEB supply and 100% of the power received from CPPs, a memo was issued to that effect on 17-11-2008 in connection with fixation of demand and energy quota for the HT consumers partially using power from CPPs which are stated below:-

"Fixing of Energy quota:-

(i)	*Monthly base energy consumption as illustrated in working instructions dated 01-11-2008*	*-*	*A*
(ii)	*In that the actual energy supplied (monthly average) for the above three months average by the CPP*	*-*	*B*
(iii)	*The actual energy availed by consumer from TNEB*	*-*	*A-B=C*
(iv)	*60% energy on C (C x 60/100)*	*-*	*D*
(v)	*The quota fixed for energy*	*-*	*B+D*

Fixing of Demand quota:-

(i)	*The base demand consumption as illustrated in working instructions dated 01-11-2008*	*-*	*E*
(ii)	*In that the calculated demand supplied for the energy for the month by CPP*	*-*	*F*

$$F = \frac{\text{Energy supplied by CPP in a month}}{\text{No. of days in the month x 24 hours x P.F 0.95}}$$

(iii)	*The actual demand availed by consumer from TNEB*	*-*	*E-F=G*
(iv)	*60% demand of G (G x 60/100)*	*-*	*H*
(v)	*The demand quota fixed*	*-*	*F+H*

(Calculation of demand supplied by generator may be worked out on par with calculation made for wheeling of power to the captive consumers as communicated in CE / PPP memo dated 06-11-2007 and subsequent amendment thereof)'

4.3. The above memo was not adopted for fixation in respect of wind energy captive users at the time of issuance of the above mentioned memo, dated 17-11-2008. Aggrieved with the memo dated 17-11-2008, some of the Wind Energy Captive users filed W.P.No.12448 of 2009 etc. batch case before the Hon'ble High Court of Madras praying for re-fixation of their demand and energy quota on par with the CPP users. The High Court in its order, dated 29-08-2009 and 01-09-2009 had passed the following order which reads as follows:-

"The petitioner has come forward with the present Writ Petition calling for the records relating to the order dated 28-11-2008 made in M.P.No.42 of 2008 and the consequential order dated 24-12-2008 in R.P.No.2 of 2008 on the file of Respondent Commission, challenging the said proceedings in so far as it relates to banking of wind energy and the enhancement of the demand and energy quota in favour of the wind mill captive consumer.

2. Admittedly, the Petitioner has got a remedy of filing an Appeal before the Appellate Tribunal for Electricity as contemplated under section 111 of the Electricity Act, 2003. It is also been reiterated by the Hon'ble Apex Court in the case of HP Electricity Regulatory Commission Vs. HP State Electricity Board reported in (2006) 9 SCC Page 233.

3. In view of the same, the Petitioner is directed to approach the Appellate Tribunal for Electricity against the order of the Respondent under challenging in this Writ Petition. It would be therefore suffice to pass the following order by consent.

(a) The Petitioner has to approach the Appellate Tribunal for Electricity challenging the order of the Respondent dated 28-11-2008 made in M.P.No.42 of 2008 and the consequential order dated 24-12-2008 in M.P.No.2 of 2009 within a period of two weeks from the date of receipt of this order.

(b) The unutilized bank units shall not lapse as on 31-03-2009 but it is subject to the outcome of an Appeal.

(c) The stay that has been granted by this Court would be in operation for a period of four weeks.

(d) The Petitioner is at liberty to approach the Appellate Tribunal seeking interim orders.

With the above observations and directions, the Writ Petition and Miscellaneous Petitions are disposed of. No costs".

4.4. Consequent to the order passed by the High Court, the Commission had initiated Suo-Motu Proceedings vide S.M.P.No.1 of 2009 on 28-10-2009 with regard to the fixation of quota for Wind Energy Captive users to be carried out on par with CPP users and thereby the Commission had formally approved the formula contained in the respondent's memo dated 17-11-2008 for re-fixing the demand and energy quota for the period from 12/2008 to 10/2009 and further had stated that from 01-11-2009 all captive users, whether thermal or wind, shall declare on the first day of every month the energy proposed for captive use for the following month, which shall be considered as B and F for the purpose of fixing energy quota and demand quota respectively, in the formula of the TNEB, dated 17-11-2008. It is further stated that, the energy declared shall be the monthly average generation. Further, from 01-11-2009, the peak hour power generation shall be eligible for peak hour utilization for every month subject to a limit of one-twelfth of annual peak hour generation.

4.5. In continuation of the above, the Respondent had issued circular to all the Superintending Engineer / Electricity Distribution Circles vide Memo No.CE/Comml/ EE/DSM/AEE/PMM/F.Powercut/D.508/09, dated 25-11-2009 and that the Member

(Distribution) of the Respondent had issued the working instructions by way of an illustration vide Circular. Memo No.CFC/REV/FC/R/D.No.362/dated 26-11-2009. As provided in the Memos dated 25-11-2009 and 26-11-2009 the period from 12-12-2008 to 10-10-2009 for the purpose of calculation and fixation could be prior to the issuance of the order of this Commission in S.M.P.No.1 of 2009, but for the period from 1-11-2009 to 03-10-2010 (known as third part), the order of the Commission in S.M.P.No.1 of 2009 is squarely applicable. Therefore, the demand and energy quota had to be revised and re-fixed in respect of the First Part and Second Part only, and the same should be taken in respect of the First Part and Second Part only, and the same should be taken for excess energy and demand calculation. As far as the third part is concerned, the demand and energy quota had to be fixed based on the proposed energy (i.e.) declared by the consumer, the same should be taken for excess energy and demand calculation. Besides, while calculating the equivalent demand to arrive at the excess demand charges, the energy consumed (units) alone is taken from the introduction of Restriction and Control measures. Further, in all the parts, the demand and energy quota had been arrived at in accordance with the memo, dated 17-11-2008. The memo, dated 17-11-2008 stipulated monthly base energy consumption as “A”. The energy supplied by the captive generator is termed as “B”. Since “A” is measured against consumption, “B” also should be measured against consumption.

4.6. During the base period (i.e.) 10/2007 to 10/2008, the supplied energy clearly means only the adjusted energy. During that period the monthly HT bills are prepared by deducting the units brought in slot wise by the captive HT consumers at the consumption end (after deducting the line loss, banking charges of 5% etc.) for the energy consumed by the HT consumer from TNEB point of supply. Only for the

above adjusted energy, the deemed demand had been calculated as per the Commission's formula.

4.7. Even though clear instructions were issued by the Respondent vide Memos, dated 25-11-2009 and 26-11-2009, clarification was sought for by the Superintending Engineer / CEDC / Metro / Coimbatore and the Superintending Engineer / NEDC / Namakkal vide clarification letter, dated 26-05-2010 based on the representations submitted from the HT industrial consumers. The Superintending Engineers had requested clarification on quota fixation for the period before issuance of S.M.P.No.1 of 2009 (i.e.) 12/2008 to 10/2009, since during that period, only the details of generation and consumed energy were available. On the above requests of Superintending Engineers only, the clarification was issued by the Chief Financial Controller / Revenue vide letter dated 25-06-2010 which reads as follows:-

"I) In the Memo dated 17-11-2008, it has been mentioned that (Fixing of energy quota) (i) Monthly base energy consumption as illustrated in working instructions dated 01-11-2008.

II) In that the actual energy supplied (monthly average) for the above 3 months average by the CPP.

III) In the above the actual energy supplied was meant only the actual energy adjusted. (If the supplied energy is more than the consumption, the excess energy would have been lapsed).

IV) In the case of wind energy, the energy supplied during a month will be adjusted against the industrial consumption and the excess supplied energy will be sent to the generation circle for baking.

V) The energy available in the banking will be drawn for adjustment at the time of off-season of wind. At that time, the equivalent demand (deemed demand) will be calculated and added in the quota.

VI) Therefore, the deemed demand will also be allowed only based on the actual units adjusted and not based on the energy supplied / injected into the grid".

4.8. In the memo, dated 17-11-2008 wherein in Page No.2 under the column of fixing of demand quota, it has been stated as follows:-

"Calculation of demand supplied by the generator may be worked out on par with calculation made for wheeling of power to the captive consumers as communicated in CE / PPP memo dated 06-11-2007 and subsequent amendment thereof".

In the Chief Engineer / Private Power Project Memo dated 06-11-2007 it had been clearly stated as follows:-

"Demand charges shall be computed for the captive users as per the example worked out in Clause 5.22.4 in order 2 dated 15-05-2006".

b) The Clause 5.22.4 of Order No.2 dated 15-05-2006 is extracted below:-

The demand charges payable by the Open Access consumer will be calculated as below:-

Case 1:

Injection Voltage	-	110 KV
Drawal Voltage	-	33 KV
Percentage of deemed demand as per the table	-	41.28
Sanctioned demand	-	1000 KVA
Recorded demand	-	855 KVA
Units consumed	-	650000 Units
Power factor	-	0.95
Units supplied by the generator (at consumption point)	-	5,00,000 Units

Demand supplied by the generator = 5,00,000 / 720 x 0.95 = 659.72 KVA
Demand supplied by the licensee = 855-659.72 = 195.28 KVA
Billable demand – Supplied by licensee = 900 – 659.72 = 240.28 KVA
(at 90% of the sanctioned demand)

Demand charges payable = (659.72 x 0.4128 x 300) + (240.28 x 300)
= 81,699.72 + 72,084 = Rs.153783.72

Case 2 :

Injection Voltage	-	230 KV
Drawal Voltage	-	22/11 KV
Percentage of deemed demand as per the table	-	40.04
Sanctioned demand	-	1000 KVA
Recorded demand	-	950 KVA
Units consumed	-	700000 Units
Power factor	-	0.92
Units supplied by the generator (at consumption point)	-	7,00,000 Units

Demand supplied by the generator = 7,00,000 / 720 x 0.92 = 894.44 KVA
Demand supplied by the licensee = 950-894.44 = 55.56 KVA
Billable demand – Supplied by licensee = 950 – 894.44 = 55.56 KVA
Demand charges payable = (894.44 x 0.4004 x 300) + (55.56 x 300)
= 1,07,440.13 + 16,668 = Rs.1,24,108.13

In the above examples, the demand supplied by the generator was reckoned at consumption point, (i.e.) units consumed.

4.9. In Order No.3 dated 15-05-2006 on purchase of power from NCES based generating plants, the demand charges payable by wind energy user was calculated as below:-

Total generated units consumed by the user divided by (30 x 24 x actual PF recorded during the billing month) -- A

Recorded demand (or) 90% of sanctioned demand, whichever is higher -- B

The demand supplied by the Licensee (B-A) --- C

The demand charges payable by wind energy user = (A x 81.23% of applicable demand charges) + (C x applicable demand charges).

In the above worked out examples, the demand supplied by the generator had been reckoned at consumption point (i.e.), consumed units only.

4.10. In the case of wind energy captive users, since banking facility is provided under the relevant regulations, calculation of equivalent demand taking into

consideration actual units injected would result in double benefits in respect of the un-adjusted banked units is drawn for subsequent month's utilization.

4.11. Clause 8.7.4 of the Tamil Nadu Electricity Regulatory Commission's Comprehensive Tariff Order on Wind Energy, Order No.1of 2009 dated 20-03-2009 deals with demand charges. The example set out in Clause No.8.7.4.3 is furnished below:-

"Total generated **units consumed** by the consumer on

open access divided by (30 x 24 x actual PF recorded during the billing month)	=	A
Recorded demand (or) 90% of sanctioned demand, whichever is higher	=	B
The demand supplied by the Licensee (B – A)	=	C

The energy supplied is only the energy adjusted against the consumption exclusive of line loss even as per the above example. The equivalent demand (deemed demand) as per the formula laid down by the Tamil Nadu Electricity Regulatory Commission can be allowed only for the energy adjusted during that month. If there is any unadjusted surplus energy, it will be sent to banking for adjustment in the subsequent months. Whenever banked energy is drawn and adjusted against the TANGEDCO's power, the equivalent demand will be calculated for the banked energy as per the formula.

4.12. The equivalent demand in other words demand supplied by the generator or deemed demand had been arrived for consumed units only from the date of implementation of the Commission's Order No.3 dated 15-05-2006 and Order No.2 dated 15-05-2006, i.e. before the implementation of the Restriction and Control

measures with effect from 01-11-2008. Based on the above only, the clarification was issued by the TANGEDCO.

4.13. The billing methodology prior to the introduction of Restriction and Control measures (i.e.) what methodology is followed for computation of demand charges, the same methodology applies for computation of excess demand charges too. Therefore, at the end of the month, if the captive consumer has not been able to consume the entire energy injected from the wind energy generator, then the adjustment of captive energy consumption is restricted to the actual energy consumed by the consumer. Logically, the equivalent demand is also to be based on the actual energy consumed from the wind energy generator during the month. Therefore, the contention of the petitioners that the equivalent demand should be based on the energy generation is not correct.

4.14. The base energy had been arrived at based on their earlier consumption wherein there was no power cut i.e. 24 hours power supply without interruption. The energy quota shall not be reworked proportionately based on the power available time and the excess energy charges shall not be arrived based on the time when power was available. Further, in respect of wind energy captive users adjustment of energy is made on three slot basis, on slot to slot basis as per TNERC Regulations. The contention of the Petitioner that the Petitioner cannot use its wind energy during load shedding hours is false. The Petitioner is permitted to adjust the unadjusted units of the evening peak hour against the morning peak hour consumption and vice-versa, when its generation is low. Also the peak and normal generation shall be adjusted against lower slot consumption as per Wind Energy Order No.1 of 2009 and also as per Wind Energy Order No.6 dated 31-07-2012. Hence, the contention of

the Petitioner that if calculation is based on drawal (which is prevented) they are compelled to pay excess demand and energy charges is misconceived one.

4.15. The wind blows during summer season. The WEG generates energy, during May to September. By virtue of banking, the unadjusted units are adjusted at a later date that too when the Distribution Licensee is experiencing power deficit. It is open secret that the power deficit is prevailing most of the States in India and of late, experiencing shortage of coal and gas, difficulties in transportation of coal for various reasons etc. In fact, while the Wind Energy Captive users adjusting the banked energy, the Distribution Licensee is forced to make purchase of power from open market at a much higher cost. Therefore, the Licensee is made to suffer financially. Hence, the contention of the Petitioner is not valid.

4.16. As per the Regulation 38 of Tamil Nadu Electricity Distribution Code, the Petitioners shall curtail, stagger, restrict, regulate and altogether cease to use electricity when so directed by the licensee if the power position or any other emergency in the licensees power supplies or as per the directives of SLDC / SSLDC warrant such a course of action. The licensee shall not be responsible for any loss or inconvenience caused to the Petitioners as a result of such curtailment staggering, restriction, regulation or cessation of use of electricity. The R & C measures like percentage of power cut on demand and energy, peak hour restriction, power holidays and load shedding period are enforced considering the overall requirement and availability of the supply position. Besides, the above, depending upon the grid condition, further load shedding may also have to be done as per the instruction of SLDC / SSLDC to maintain the grid safety. The Petitioners cannot claim any inconvenience or loss for such load shedding. The Petitioners are

bound by the above said provisions contained in Tamil Nadu Electricity Distribution Code.

4.17. The Electricity Ombudsman in Appeal No.25 of 2012 dated 15-11-2012 held inter-alia as follows:-

"12.20. In para 8.2.2 of the wind tariff order 1 of 2009 dt 20-03-2009 it has been ordered that the unutilized energy at the end of the financial year may be encashed at the rate of 75% of the relevant purchase tariff. But the Commission has ordered that the encashment rate for the unutilized banked energy is full value of the relevant purchase rate as and when the Distribution Licensee enforces Restriction and Control Measures for restricting the consumption of wind energy generator. Hence, the Commission has given a higher rate for the banked units when the consumer is prevented from consuming the wind energy generated due to Restriction and Control measures. But there is no separate formula in the above order for calculation of deemed demand during R&C period based on supply availability period.

12.21. In view of the reasons given in forgoing paras, I am of the opinion that the formula mentioned in para 8.7.4.3 of wind tariff order No.1 dated 20-03-2009 for calculation of demand has to be adopted for the arriving demand supplied by the wind generator. In the above formula, there is no provision for adoption of supply availability period to calculate the deemed demand supplied by the wind generator".

Therefore, the equivalent demand based on the energy adjusted / consumed would be correct and lawful.

4.18. An analysis of the details of wind energy generation and adjustment during the months from 09/2012 to 03/2013 shows that in the month of 10/2012, the wind energy generation during the evening peak hour in the slot 2 and slot 3 were 57674 units and 18322 units as against the consumption 53040 units and 14780 units, respectively. Hence, the adjustment of captive energy consumption is restricted to

the actual energy consumed by the Petitioner and logically the equivalent demand is also to be based on the actual energy consumed from the wind energy generator during the month (i.e.) for the units 67820 units. After such adjustment balance units 4634 units (Slot 2) and 3542 (Slot 3) had been sent to banking towards the adjustment for subsequent months. Furthermore, it is relevant to note that the Transformer and Distribution loss (T & D loss) had been deducted for adjusted units only and not for the generated units (i.e.) 4218 units (Slot 2) and 1362 units (Slot 3). Further, the banked units had been adjusted units in the subsequent months and the equivalent demand is for the adjusted units including the units drawn from banking. It would result in double benefit to be given to the banked energy i.e. for providing the equivalent demand to the captive user for that energy in the current month. Hence, the equivalent demand arrived at for adjusted units is reasonable and sustainable in law.

4.19. During the Restriction and Control measures the banking facility is available in respect of the wind energy captive users since the unutilized units are being encashed for 100% value of relevant tariff. Furthermore, the Petitioner had adjusted the entire energy generated against their consumption and in subsequent month the Petitioner had exceeded the peak hour demand quota eventhough their entire generation and banked units had been adjusted. From the above, it could be clearly observed that the Petitioner had not consumed the energy depending upon their quota and also their captive consumption. Hence, the contention of the Petitioner that the Petitioner has not exceeded the demand quota and it is the Respondent who prevented the Petitioner from consuming the eligible wind energy during evening peak hour resulting in short fall of equivalent demand, because the equivalent demand was calculated wrongly based on the energy consumed / adjusted which

could be done only when there is no restriction of consumption during the evening peak hour, is misleading and one of misinterpretation.

4.20. If the equivalent demand is given for the entire energy injected into the system by the wind energy generator, redrawn energy from the banked energy would not be eligible for equivalent demand calculation, since allowing it at two different times would amount to providing double benefit for the same energy which would result in unjust enrichment at the cost of Public ex-chequer. During the off-season, the generated energy may not be adequate and therefore the wind energy captive consumer can draw from the bank and consume. Even during the season if the generated energy is not adequate, the captive consumer can draw from the bank. Therefore, consumption has to be the basis for determination of the equivalent demand met from wind energy generator. The Commission has ordered that the encashment rate for the unutilized banked energy is full value of the relevant purchase rate as and when the Distribution Licensee enforces Restriction and Control measures for restricting the consumption of wind energy generator. Hence, the Commission has given a higher rate for the banked units when the consumer is prevented from consuming the wind energy generated due to Restriction and Control measures. Hence, the contention of the Petitioner that the Respondent cannot resort to unjust enrichment by levying penalty on the Petitioner for no fault of the Petitioner is not correct.

4.21. The equivalent demand in other words is the demand supplied by the generator and had been arrived at for the units of captive power consumed by the captive consumer from the date of implementation of the Order No.3 dated 15-05-2006 and Order No.2 dated 15-05-2006 and Order No.1 of 2009. The

contention raised in the petition is nothing but to reopen the issue which was already settled by the Commission in its order dated 28-12-2011, followed by the order of the APTEL dated 12-12-2012 in Appeal No.51 of 2012 filed by SIMA and in Appeal No.56 of 2012 filed by IWPA against the Commission's order dated 28-12-2011. Therefore, the Petitioners are not only making an attempt to reopen the issue which is settled by the Commission and Hon'ble Appellate Tribunal, but also attempting to find fault with the orders of the Commission dated 28-12-2011 and the order of Appellate Tribunal dated 12-12-2012.

5. Contention of the Petitioner in the Rejoinder:-

5.1. The matter of levy of excess demand charges was exclusively questioned only on a single ground whether the Respondents are legally correct in demanding such levy of excess demand charges, when the Respondents themselves have enforced both scheduled and unscheduled load shedding in respect of the supplies relating to the Petitioners and thereby preventing the Petitioners from consuming their own wind energy available abundantly in their account both in current generation and also in banking.

5.2. On one hand, the consumers are having sufficient wind power of their own in their respective slots and however, due to the strong enforcement of load shedding, they were prevented from consuming their own power and accordingly, while calculations are made based on the consumption, they are now facing the excess demand charges.

5.3. The formula dated 17-11-2008 which was approved by the Commission loses its relevancy when the formula does not take care of the enforcement of load

shedding in any manner. Hence, the formula dated 17-11-2008 would be ideal to a situation where there is no load shedding and therefore, in the event of load shedding enforced strongly, the formula should be specifically applied considering the total hours of load shedding enforced, as it affects the consumption pattern of the captive consumers of wind energy in a worst way.

5.4. Neither the decisions pronounced by the Commission on 28-12-2011 nor the decisions of the APTEL, New Delhi in Appeal No.51 and 56 of 2012 have application to the present issue as the present issue totally focuses on a situation as how demand should be calculated for the purpose of levying excess demand charges when the TANGEDCO itself enforces scheduled and unscheduled load shedding and when the captive consumer has sufficient captive power for consumption at his account. The question therefore to be decided in the present case is whether the TANGEDCO is correct in calculating the demand by applying a formula which never takes care the load shedding portion of the enforcement of R & C measures. The formula dated 17-11-2008 would be correct only for an ideal situation when there is no enforcement of load shedding and that too for longer durations.

5.5. The formula dated 17-11-2008 as long as it fails to take care and consider the load shedding enforced timings, the same formula cannot be relied up on for the calculation of demand and consequent demand and excess demand charges when the event of load shedding is heavily enforced among consumers.

5.6. The longer durations of load shedding would lead to levy of excess demand charges for the no fault of the consumers even when the consumers have their own energy at their account for comfortable consumption. Only due to the load shedding,

such excess demand charges are liable to be paid and therefore, the TANGEDCO should come forward with a new formula and accordingly, it should get it approved by the Commission specifically in circumstances where load shedding is heavily enforced.

5.7. Had the Respondent TANGEDCO not resorted to scheduled and unscheduled load shedding during normal hours / peak hours and allowed the Petitioner to consume their wind energy available to their credit to its entirety, there would not be any occasion to levy penalty as found levied now.

5.8. Due to the fault of the Respondent Corporation by not allowing the Petitioner to consume the wind energy injected and available to their credit at their respective slots this penalty is levied for no fault of the petitioner. By restricting the consumption of the Petitioner drastically during normal hours / peak hours by resorting to scheduled and unscheduled load shedding, the Petitioner cannot be held responsible to pay the penalty as it is only on the lapse on the part of the Respondent Corporation the Petitioner was not able to consume the required energy for his consumption during such slots / periods. Hence it is the no fault of the consumer and having restrained him to consume the energy even when it is available abundantly, the TANGEDCO cannot on one side resort to load shedding and on the other side to levy penalties, which would amount to unjust enrichment.

5.9. The Electricity Ombudsman has no jurisdiction to entertain any complaint when it relates to a dispute between a generator and distribution licensee. The complainant is not just a consumer. The complainant is a generator cum captive consumer. Hence, in earlier cases, the same Electricity Ombudsman has rejected to

entertain similar complaints when it pertained to generator cum consumers. In a similar occasion when Tamil Nadu Spinning Mills Association, filed a complaint for the non-receipt of encashment amount by captive consumers of wind energy of his Association, the same was rejected on the sole ground that such nature of complaints are pertaining to generators and therefore, the Electricity Ombudsman has no jurisdiction to entertain. The decision in Petition No.359 of 2011 dated 30-12-2011 was squarely applicable to instant case also. The issue in the instant case is not allowing the wind energy generated by such captive consumers for consumption at their mills without any interruption. Hence, it is a primary problem of a generator cum consumer. Therefore, the decision of the Electricity Ombudsman in having dealt with the matter under Dispute Resolution System which is applicable to a sole consumer cannot be relied up on.

5.10. All the captive consumers are entitled to receive their own power without any discrimination because of the rights provided under Open Access as contained in section 9 (2) and section 42 (2) of the Electricity Act, 2003. By enforcing scheduled and unscheduled load shedding, the TANGEDCO has enforced a discriminatory treatment to wind mill captive consumers and others. Hence, on this point also, such a penalty levied in the form of excess demand charge is not justifiable. It amounts to double punishment, namely, one for not allowing them to consume the energy of their own and the other towards penalty by way of excess demand charges.

5.11. The consumers are adversely affected for the fault and inefficiency of the Respondent Corporation in enforcing such large load shedding. Hence, what is required is that a separate formula other than the one dated 17-11-2008 which focuses on load shedding also and accordingly, as how demand needs to be

calculated when heavy load shedding gets enforced and accordingly, a justification could be made for ideal situation without any load shedding and another situation when load shedding is enforced heavily.

5.12. Considering there exists no such formula as of now, as observed by the Electricity Ombudsman, the Commission may direct the Respondent, TANGEDCO to come with a proposal to bring out a formula to deal with such cases of fixing demand when high level load shedding are enforced and thereby captive consumers are restrained from consuming their own energy.

6. Findings of the Commission:-

6.1. The prayer of the petitioners is to forbear the TANGEDCO from taking energy adjusted instead of energy available to the credit of the Petitioners for the purpose of equivalent demand calculation till the power cut and load shedding are in force and direct the TANGEDCO to give refund / adjustment of the amount already collected from the Petitioner and pass such further or other orders as deemed fit.

6.2. To consider the prayer, the important issues to be resolved in these cases are:

(i) In light of the load shedding and power cut, whether energy injected or in credit shall be taken for equivalent demand calculation or energy actually consumed shall be taken for the equivalent demand calculation.

(ii) In light of the load shedding and power cut, whether the formula or parameter adopted by the TANGEDCO as approved by the Commission is in order or needs to be modified.

(iii) In case the existing formula or parameter is not appropriate, what shall be the right formula or parameter?

6.3. Regarding the first issue, as discussed in the facts of the case, the principles of considering only the energy actually consumed at the user end for the calculation of equivalent demand for the purpose of arriving at the portion of the maximum demand brought in by the open access consumers was confirmed by the Commission's Order dated 28-12-2011 on the petitions M.P.No.31 of 2010 and M.P.No.42 of 2010 filed by M/s. Indian Wind Power Association and South India Mills Association respectively. The said principle was further upheld by Hon'ble APTEL in its order dated 12-12-2012 on Appeal No.51 and 56 of 2012 and again clarified by the Commission's Order dated 29-01-2013 on R.A.No.2 of 2013. Therefore, there is no question of opening up the issue once again. Hence no other parameter can be considered for the equivalent demand calculation except the actual energy consumed at the user end.

6.4. Regarding the question of formula or parameter for the purpose of equivalent demand calculation, the formula approved by the Commission in Suo Motto Order No.1 of 2009 is reproduced below.

$$\text{The demand supplied by the CPP in a month} = \frac{\text{Energy supplied by CPP in a month}}{\text{No of days in the month x 24 hours x (P.F) 0.95}}$$

The above formula for the CGP has been refined by subsequent said orders of the Commission and the APTEL as below to suit all open access consumers.

$$\text{Equivalent Demand} = \frac{\text{Energy adjusted by open access consumers out of the total energy consumed at the user end during the month}}{\text{No of days in the month x 24 hours x (P.F) 0.95}}$$

This is not a new or specific formula designed for calculating the equivalent demand from the energy consumed. This formula flows from the accepted general formula in the engineering parlance to calculate the average demand from the energy consumed or generated. The generalized formula to calculate the average demand for the given energy and the time of consumption / generation is:

$$\frac{\text{Energy}}{\text{Time x power factor}}$$

Out of the three parameters, the numerator, namely the energy has now been the well settled issue. This is the portion of the energy brought in by the open access consumer and consumed at the user end. There is no dispute on the power factor component. The only parameter left for discussion is the time. Time is the critical issue of this case. For the general purpose, the time in this formula refers to the time during which the energy consumed or generated. For this specific case, it is the duration of consumption of the energy at the user/consumer end. It refers to the time taken for the consumption of that particular energy referred to in the numerator of the formula. This can be better understood by a simple example. Consider a case of 1000kW load consuming electrical energy constantly and continuously for four hours from 8 AM to 12 AM. Assuming unity power factor, the average demand in the above case is 1000kVA as per the formula. In the same example, consider a load shedding duration of two hours between 9 AM to 11 AM. Even now the average demand is 1000 kVA if the actual duration of consumption of two hours is taken to arrive at the demand. But if we assume 4 hours which includes the load shedding period, the average demand is only 500 kVA. If the load shedding hours increases,

the average demand will decrease. Therefore, there is no meaning in taking into account the load shedding hours for calculating the average demand since there is no possibility of energy consumption during the load shedding hours. As discussed earlier, theoretically average demand calculation is time specific and it should be calculated for the duration for which the consumer is allowed to consume energy. But this equivalent demand shall not be confused with maximum demand calculated by the meter for two part billing purpose. The Maximum demand is nothing but the highest of such average demands calculated for an integration period of 30 minutes or 15 minutes time slot depending upon the type of load during the billing cycle. In case of equivalent demand, the integration period is the billing period itself and normally a month for HT supply users.

6.5. With this background now we consider the prayer of the petitioners. The existing formula adopts a time parameter of 30 days x 24 hours for calculating equivalent demand in kVA assuming a billing period of one month and the supply availability of 24 hours. The Commission finds nothing wrong in adopting the formula during the normal course of supply of power. But in light of the analysis done supra, there is a point for consideration of the prayer of the petitioners that the fixed time period of 30 x 24 hours may have to be modified during the longer period of power cut and load shedding. At the same time, the petitioners cannot expect that the formula could be modified even for minor supply interruptions. Even during the normal course of time, there can be interruptions which are beyond the control of the distribution licensee or for scheduled maintenance. The Commission has also allowed certain time norms to restore supply during interruptions in Standard of Performance Regulation. Similarly, the captive generators or third party generators also are not supplying constant power continuously at 30 x 24 hours to the grid so as

to claim such ideal equivalent demand. This is especially true in the case of wind power which is seasonal and infirm. Therefore certain allowance shall be permitted for uninterrupted supply. As long as the supply interruption is not a considerable one, adopting 30x24 hours time factor in the formula is normal and it is the practice so far adopted to calculate the equivalent demand. We declare in clear terms that the existing formula holds good till such time the implementation of ABT Order in the State or there is no Restrictions and Control measures on power consumption. However, in the light of the above analysis, in case of longer duration of load shedding and power cuts, the Commission feels that the adoption of fixed 30 x 24 hours time period for calculating equivalent demand will be disadvantageous for the open access consumers.

6.6. Having decided that there is a case for revisiting the fixed time factor of 30 x 24 hours to arrive at the equivalent demand in case of longer duration of load shedding and power cut, now the questions before us are what is the duration of load shedding and power cut beyond which the 30 x 24 time factor shall be modified and how to obtain the supply availability or “power on” time data so as to replace the fixed time of 30 x 24 hours in the formula.

6.7. The time factor is nothing but the supply availability or “power on” time during which the consumer can consume his energy. One possibility is that the “power on” parameter can be down loaded from the energy meter and can be used for calculating the equivalent demand. Considering the norms fixed by the Commission in the Standard of Performance Regulation and other practical conditions, a supply interruption of 20% and more in a billing cycle can be considered as a “longer duration”. We feel it is a fair criteria for replacing the 30 x 24 hours by the actual “power on” time to find out the equivalent demand supplied by the open access

consumer. Though there are demands from the petitioners that the respondents should come out with such modified formula, there is no such submission by the respondents. Before revisiting the time factor, the Commission wants to understand the difficulties in fixing supply interruptions criteria and obtaining the "power on" data during the billing cycle. The distribution licensee may also suggest on the criteria for load shedding duration in a billing cycle beyond which the time period of 30 x 24 hours can be replaced with "power on" time in the formula. In modifying the formula there shall not be any discrimination among consumers in calculation of equivalent demand. Therefore, we direct the respondents to come out with a proposal on the criteria under which the fixed time of 30 x 24 hours can be modified with "power on" time and the source of obtaining the "power on" data so as to fairly calculate the equivalent demand. This shall be done in discussion with the petitioners and the proposal may be submitted within one month of issuance of this Order.

6.8. By making the above observation, the Commission has no intention of changing the generalized formula approved by the Commission in earlier orders for calculation of equivalent demand. The Commission's intention is only to identify the specific cases of open access consumers who are affected by the longer duration of load shedding and provide them a reasonable relief in excess demand charges by identifying the right time factor for reasonable calculation of the equivalent demand. Therefore, this interim order is strictly applicable to only the petitioners and the relief also restricted to the specific claim.

6.9. Till such time the distribution licensee furnish the details as directed in this order and issuance of final orders by the Commission, the status quo shall be

maintained in collecting the excess demand charges from the petitioners by the distribution licensee.

7. Appeal:-

An appeal against this order shall lie before the Appellate Tribunal for Electricity under section 111 of the Electricity Act, 2003 within a period of 45 days from the date of receipt of a copy of this order by the aggrieved person.

(Sd.....)
(G.Rajagopal)
Member

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

/ True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission