

**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**

**D.R.P.No.44 of 2014**  
**and**  
**I.A.No.1 of 2014 in D.R.P.No.44 of 2014**

M/s.Mirra and Mirra Industries  
Plot No.119 and 120, SIDCO Industrial Estate,  
Manali New Town,  
Vichur,  
Chennai – 600 013.

... Petitioner  
(Thiru Rahul Balaji)  
Advocate for the Petitioner)

Vs

1. TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION LIMITED (TANGEDCO)  
Represented by its Chairman and  
Managing Director,  
144, Anna Salai,  
Chennai – 600 002.
2. THE CHIEF FINANCIAL CONTROLLER (REVENUE)  
TANGEDCO  
144, Anna Salai,  
Chennai – 600 002.
3. THE SUPERINTENDING ENGINEER  
CEDC/North, TANGEDCO  
144, Anna Salai,  
Chennai – 600 002.
4. THE SUPERINTENDING ENGINEER  
Tamil Nadu Electricity Board,  
Tirunelveli Electricity Distribution Circle,  
Tirunelveli.

5. THE ACCOUNTS OFFICER / REVENUE  
CEDC/North, TANGEDCO,  
Chennai – 600 002.

....Respondents  
(Thiru P.H.Vinod Pandian  
Standing Counsel for the Respondents)

**Date of hearing : 27-02-2014**

**Date of order : 27-02-2014**

D.R.P.No.44 of 2014 has been filed by the petitioner challenging the validity of communication of the Chief Financial Controller, TANGEDCO bearing Ref.No.CFC/FC/REV/AAO/HT/D.606/2012, dated 14-09-2012 and all proceedings pursuant thereto including the penal charges for alleged excess demand and excess energy calculated on the basis of such circular as evident in the current consumption bills issued by the 5<sup>th</sup> respondent for the month of December 2013 for the H.T S.C.No.1803 and to direct the TANGEDCO to first effect adjustment of the wind energy generated from the petitioner's captive wind mills, operating under the Renewable Energy Wheeling Agreement under the REC scheme against the petitioner's H.T.S.C.No.1803 and thereafter adjust the energy generated by the other wind mills and to raise the Current Consumption bills accordingly.

The I.A.No.1 of 2014 in the above D.R.P. has been filed with the prayer to grant an interim stay of the communication of the second respondent, Chief Financial Controller, TANGEDCO bearing Ref.No.CFC/FC/REV/AAO/HT/D.606/2012, dated 14-09-2012 and all proceedings pursuant thereto including the penal charges for alleged excess demand and excess energy calculated on the basis of such circular as evident in the current consumption bills issued by the 5<sup>th</sup> respondent for the month of December for the H.T S.C.No.1803.

The above D.R.P.No.44 of 2014 and I.A.No.1 of 2014 in the said D.R.P. came up for hearing before the Commission on 27-02-2014. The Commission upon perusing the above petition and the connected records and after hearing both sides passes the following order:-

**ORDER**

Counsel for both side were present. The Counsel for the Petitioner presented the case and sought for interim relief to stay the operation of CFC letter dated 14-09-2012. The Counsel for the Respondents argued that the practice is based on the letter issued on 11-12-2007. However, the High Court of Madras in a similar matter in M.P.No.2 and 3 of 2013 in W.P.No.33439 of 2013, in its interim order dated 09-12-2013 has stayed the operation of the said letter issued by CFC in September 2012 on condition that the petitioner therein remits the undisputed current consumption charges in respect of the concerned HTSC. Taking similar view an interim stay of CFC's letter is granted to the petitioner till the case is disposed off.

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

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

/ True Copy /

Secretary  
Tamil Nadu Electricity  
Regulatory Commission