

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

I.A.No.1 of 2014
in
D.R.P.No.5 of 2014

M/s.Saheli Exports Pvt. Ltd.,
New No.25 / Old No.10, Sri Madhavan Nair Road,
Mahalingapuram,
Nungambakkam,
Chennai – 600 034.

... Petitioner
(Thiru. Vinod Kumar, Advocate)

Vs

1. Tamil Nadu Generation and Distribution Corporation Limited,
Rep. by its Chairman,
NPKRR Maaligai,
144, Anna Salai, Chennai 600 002.
2. The Chief Finance Controller / Revenue,
TANGEDCO (Accounts Branch),
144, Anna Salai, Chennai 600 002.
3. The Director (Finance),
TANGEDCO,
144, Anna Salai, Chennai 600 002
4. The Superintending Engineer,
Nagapattinam Electricity Distribution Circle,
TANGEDCO,
Nagapattinam 611 001.

....Respondents

Date of hearing : 21-03-2014

Date of order : 21-03-2014

The above D.R.P. has been filed by M/s. Saheli Exports Pvt. Ltd. with the prayer to declare that the instructions of the second respondent in Letter No.CFC/FC/DFC/AAO.HT/AS.3/D.No.126/13, dated 07-09-2013 and the consequent impugned instructions Letter No.SE/NEDC/NGT/AO/RCS/AS/F.HTSC-085/D.693/13 dated 09-12-2013 are illegal and contrary to the orders of the Commission and consequently set aside the same. The impugned instructions relate to the calculation of tariff recoverable for start-up power availed by generators.

In I.A.No.1 of 2014, the petitioner has stated that although the petitioner has challenged the instructions dated 07-09-2013, the case of the petitioner is different from the other generators inasmuch as, the petitioner unlike the other generators has from the commencement of commercial operations of its plant has installed a diesel generator set at its plant and has been operating the said diesel generator set to meet its start-up power requirements and the petitioner has never availed start-up power from the grid and that unlike the other generators, the petitioner does not need any start-up power from the grid. However, the respondents have raised a demand under the two part tariff system for the month of December 2013.

The petitioner further stated that fearing coercive action by the respondents, the amounts as demanded have been paid under protest, for the month of December 2013.

In the above circumstances, the petitioner has prayed that the Commission may be pleased to grant an order of interim stay of all further proceedings pursuant to the impugned communication of the 4th Respondent in Letter

No.SE/NEDC/NGT/AO/RCS/AS/F.HTSC-085/D.692/13 dated 09-12-2013 pending disposal of the above D.R.P.

The Commission upon perusing the above petitions and the connected records and upon hearing the arguments of the Counsel for the petitioner passes the following interim order:-

INTERIM ORDER

D.R.P.No.5 of 2014 along with Interim Application was taken up for admission. The learned counsel for the petitioner pointed out that the petitioner unlike the other generators has from the commencement of commercial operations of its plant has installed a diesel generator set at its plant and has been operating the said diesel generator set to meet its start-up power requirements and the petitioner has never availed start-up power from the grid and that unlike the other generators, the petitioner does not need any start-up power from the grid and that the Commission may be pleased to grant an order of interim stay of all further proceedings pursuant to the impugned communication of the 4th Respondent in Letter No.SE/NEDC/NGT/AO/RCS/AS/F.HTSC-085/D.692/13 dated 09-12-2013 pending disposal of the above D.R.P. also.

The petition is admitted. The Commission directs that all further proceedings pursuant to the impugned letter dated 09-12-2013 regarding recovery of charges for start-up power from the petitioner shall be kept in abeyance till the disposal of the D.R.P. The respondents are directed to file the counter within two weeks.

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

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

/ True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission