

TAMIL NADU ELECTRICITY REGULATORY COMMISSION
(Constituted under section 82 (1) of the Electricity Act, 2003)
(Central Act 36 of 2003)

PRESENT:-

Thiru S.Akshayakumar	Chairman
Thiru G.Rajagopal	Member
	and	
Dr.T.Prabhakara Rao	Member

I.A.No.1 of 2013
in
D.R.P.No.23 of 2013
and
D.R.P.No.23 of 2013

M/s.Auro Mira Bio Power India
Private Limited
Old No.11, New No.29
Shaffi Mohammed Road
Thousand Lights
Chennai 600 006.

... Petitioner
(Thiru Vinod Kumar
Advocate for the Petitioner)

Vs

1. Tamil Nadu Generation and Distribution Corporation Limited
Rep. by its Chairman
NPKRR Maaligai
144, Anna Salai
Chennai – 600 002.
2. The Superintending Engineer
Tirunelveli EDC / North
TANGEDCO
Tirunelveli – 627 011.

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

Date of hearing : 04-02-2014; 25-04-2014 and 09-10-2018

Date of order : 31-10-2018

1. The prayer of the Petitioner in D.R.P.No.23 of 2013 is to-

- (i) set aside the demand of Rs.40,50,397/- made by the Respondents vide Second Respondent's letter No.SE/TEDC/Tin/AO/Rev/ HT.AS/F.RAPDRPt/D./ 833/2013 dated 18-04-2013 and letter No.SE/TEDC/TIN/AEE/RAPDRP/F.HT billing/D.19/13 dated 02-05-2013 as being contrary to the provisions of the Act, the applicable regulations and the tariff orders passed by the Commission;
- (ii) declare that the Respondent is entitled to only Rs.10.45 per kWh for the start-up power availed by the Petitioner for 42 days annually even when cumulatively the number of days when start-up power is drawn exceeds 42 in a year;
- (iii) direct the Respondents to pay costs of the present proceedings;
- (iv) pass such further or other orders as the Commission may deem fit and proper in the facts and circumstances of the case and thus render justice.

2. The prayer of the Petitioner in the Interim Application filed on 13-06-2013 is to grant interim stay of the demand of Rs.40,50,397/- made by the Respondents vide Second Respondent's letter No.SE/TEDC/Tin/AO/Rev/HT.AS/F.RAPDRPt/D./ 833/2013 dated 18-04-2013 and letter No.SE/TEDC/TIN/AEE/RAPDRP/F.HT billing/D.19/13 dated 02-05-2013.

3. The Respondents have filed Counter Affidavit on 27-03-2014 with a prayer to dismiss the petition as the Petitioner has no prima facie case to pursue the D.R.P. and the Petitioner has filed their Written Submission on 08-05-2014 in the above matter.

4. The above D.R.P.No.23 of 2013 along with I.A.No.1 of 2013 came up for hearing on 09-10-2018. The Counsel for the Petitioner filed a copy the order passed by the National Company Law Tribunal Division Bench, Chennai dated 16-07-2018 in M.A./204/(IB)/2018(TCP/130/(IB)/CB/2017 which ordered for liquidation of the Petitioner company. The Counsel for the Petitioner further stated that the Petitioner Company has been wound up and therefore, the prayer of the Petitioner has become infructuous and may be treated as closed. The prayer is allowed and accordingly I.A.No.1 of 2013 in D.R.P.No.23 of 2013 and D.R.P.No.23 of 2013 are closed.

(Sd)
(Dr.T.Prabhakara Rao)
Member

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

(Sd.....)
(S.Akshayakumar)
Chairman

/ True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission