

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**

and

Thiru G.Rajagopal

.... **Member**

I.A.No.1 of 2014

in

D.R.P.No.17 of 2013

and

D.R.P.No.17 of 2013

Kaveri Gas Power Ltd.
5, Ranganathan Garden
Anna Nagar
Chennai – 600 040.

... Petitioner

(Thiru Vinod Kumar & Ms.Chitra Narayan
Counsels for the Petitioner)

Vs.

1. The Tamil Nadu Generation and Distribution Corporation Limited
Represented by its Director
144, Anna Salai, Chennai – 600 002.
2. The Superintending Engineer
Nagapattinam Electricity Distribution Circle
The Tamil Nadu Generation and Distribution Corporation Limited
Nagapattinam.
3. TANTRANSCO
Represented by its Director-Operations
144, Anna Salai, Chennai – 600 002.

... Respondents

(Thiru M.Gopinathan

Standing Counsel for the Respondent)

4. Sri Kaderi Ambal Mills Ltd.
(A&B) Units H.T.Sc.Nos.46 and 75
Shanmuganathapuram – 630 374
Sivaganga District
Rep. by its Managing Director
S.V.Pethaperumal

... Impleading Respondent

(Thiru K.Seshadri

Counsel for Impleading Respondent)

Dates of hearing: 13-09-2013; 04-03-2014; 17-04-2014;
14-07-2014; and 25-09-2018

Date of Order: 25-09-2018

1. The D.R.P.No.17 of 2013 has been filed by the Petitioner with the following prayers, namely:-

- (i) to declare that the action of the Respondents of not allowing the Petitioner to allot the electricity generated at its 6.70 MW power plant to the consumers of its choice is illegal and contrary to the provisions of the Act and the Regulations;
- (ii) to declare that the Respondent is not entitled to make the allotment of electricity generated at the Petitioner's 6.79 MW capacity power plant to a particular consumer as a pre-condition to wheel the electricity generated by the Petitioner's plant to consumers of the Petitioner's choice in terms of the Intra State Open Access granted to the Petitioner;
- (iii) to direct the Respondent to initiate appropriate proceedings to cancel the captive status of the Petitioner's 6.79 MW capacity power plant as requested by the Petitioner vide its letter dated 10-10-2012;
- (iv) pass such other suitable orders or directions in the circumstances of this case; and
- (v) direct the Respondents to pay costs of the present proceedings to the Petitioner.

2. The first Respondent filed Counter affidavit on 11-10-2013 with a prayer to dismiss the petition as not maintainable. The Petitioner has filed their Reply to the Counter Affidavit on 14-03-2014,

3. Subsequently, I.A.No.1 of 2014 in D.R.P.No.17 of 2013 has been filed on 05-05-2014 to implead Sri Kaderi Ambal Mills Ltd as one of the Respondents in the above D.R.P.No.17 of 2013 on 05-05-2014 by Thiru K.Seshadri, Advocate.

4. The above D.R.P.No.17 of 2013 and I.A. No.1 of 2014 in D.R.P.No.17 of 2013 came up for hearing on 25-09-2018. The Counsel for the Petitioner appeared and prayed the Commission to permit to withdraw the petition. The prayer is allowed and accordingly I.A.No.1 of 2014 in D.R.P.No.17 of 2013 and D.R.P.No.17 of 2013 are dismissed as withdrawn.

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

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

/ True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission