

**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**

**Dr.T.Prabhakara Rao**

.... **Member**

**I.A.No.1 of 2013**

**in**

**D.R.P.No.33 of 2013**

**and**

**D.R.P.No.33 of 2013**

M/s.ARS Metals (P) Ltd.  
D-109, 2<sup>nd</sup> Floor  
LBR Complex  
Anna Nagar East  
Chennai – 600 102.

... Petitioner  
(Thiru K.Seshadri  
Counsel for the Petitioner)

Vs.

1. Tamil Nadu Generation and Distributor Corporation Limited  
Rep. by its Chairman  
NPKRR Maaligai  
144, Anna Salai  
Chennai – 600 002.
2. The Chief Financial Controller / Revenue  
TANGEDCO (Accounts Branch)  
144, Anna Salai  
Chennai – 600 002.
3. The Superintending Engineer  
Chennai EDC / North  
TANGEDCO Co.  
144, Anna Salai  
Chennai – 600 002.

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

**Dates of hearing** : 11-02-2014 and 25-02-2014

**Date of Order** : 20-02-2019

1. The prayer of the Petitioner is to declare that the petitioner continues to be entitled to the deemed demand benefit for the energy generated and injected by the petitioner from their 60 MW coal based captive generating plant to the respondents grid in terms of Order No.2 dated 15-05-2006 of the Commission and also to declare the instructions issued in Letter No.CFC/FC/DFC/AAO.HT/AS.3/Rev/D.No.115/12, dated 29-07-2013 issued by the second respondent without the approval of the Commission for withdrawing the deemed demand is illegal and contrary to law.
2. Due to the pendency of Civil Appeals before the Hon'ble Supreme Court challenging the appointment of Chairperson of the Commission, the Commission could not pass any orders on D.R.P. matters including the withdrawal cases. The Hon'ble Supreme Court has finally disposed of the said cases upholding the appointment of Chairperson and also permitted the Commission to proceed to hear the D.R.P. cases until judicial Member is appointed by the Government.
3. The Petitioner has filed a petition on 13-03-2015 seeking permission to withdraw the petition. The prayer of the petitioner to withdraw the main petition is allowed. Accordingly, the I.A. No.1 of 2013 in D.R.P.No.33 of 2013 and D.R.P.No.33 of 2013 are dismissed as withdrawn.

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

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

/True Copy /

Secretary  
Tamil Nadu Electricity  
Regulatory Commission