

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

PRESENT:

ThiruM.Chandrasekar Chairman
Dr.T.PrabhakaraRao Member
and
ThiruK.Venkatasamy Member (Legal)

R.A.No.6of 2019

M/s.Kamuthi Solar Power Ltd.
Adani House
Nr. Mithakhali Six Roads
Ahmedabad – 380 009
Gujarat.

.... Petitioner
(ThiruRahul Balaji,
Advocate forthe Petitioner)

Versus

1. Tamil Nadu Generation and Distribution Corporation Ltd.
Represented by its Chairman
No. 144, Anna Salai
Chennai – 600 002.
2. Chief Engineer / Non Conventional Energy Sources (NCES)
2nd Floor, NPKRR Malligai
144, Anna Salai
Chennai – 600 002.

.... Respondents
(ThiruM.Gopinathan
Standing Counsel for the Respondents)

Dates of hearing : 22-10-2019; 19-11-2019; 17-12-2019;
28-01-2020; 25-02-2020 and 25-08-2020

Date of Order : 08-09-2020

The R.A.No.6 of 2019 came up for final hearing on 25-08-2020. The Commission upon perusal of the petition and connected records and after hearing the submissions of the petitioner hereby makes the following:-

ORDER

The present R.A. No. 6 of 2019 arises out of the order dated 24-09-2019 of Hon'ble APTEL in Appeal No. 32 of 2017 which was preferred against the order dated 16-11-2016 passed by the Commission in the matter of classification of the petition filed by M/s. Kamuthi Solar Power Ltd. seeking project specific extension of control period for its 216 MW Solar Project. The petition dated 27-07-2016 was not numbered by the Registry initially in view of the dispute on the classification and upon a petition filed by the petitioner against the said decision of the Registry, the matter was heard by the Commission as a Pre-Registration case in P.R.C. No.3 of 2016 which came to be impugned before the APTEL later.

Findings of the Commission:-

Heard the petitioner. For the present, we are not going into the merits of the prayer in the original petition dated 27-07-2016 as there had been a dispute on the very classification of the petition itself and hence it is necessary in the first instance to pass orders on the classification and thereafter take up the merits of the petition. Further, the scope of the R.A. being limited to comply with the directions of the Hon'ble APTEL, the present order seeks to confine itself to the classification of petition. To put the facts of the case in nutshell, a question arose as to whether the petition dated 27-07-2016 filed by the petitioner before the Commission should be classified as D.R.P. or M.P. M/s. Kamuthi Solar Power Ltd. challenged the order dated 16-11-2016 passed by this Commission in P.R.C. No. 3 of 2016 directing it to

file its petition as a D.R.P. instead of M.P. before the Hon'ble APTEL in Appeal No.32 of 2017. In its order dated 24-09-2019, the Hon'ble APTEL remanded the matter back to the Commission with directions in the concluding paras to pass order in the light of the observation made by it in the preceding paragraphs of its order. Having gone through the order of Hon'ble APTEL, we find that the Hon'ble APTEL has observed clearly in para xxi of its findings that it would be appropriate to treat the instant petition as Miscellaneous Petition and hence we are of the considered view that it is not necessary to further go into the issue as the issue has attained finality before APTEL insofar as the classification of this petition is concerned. The Commission is now required only to examine the merits of the prayer in the petition dated 27-07-2016 filed by the petitioner. In view of the same, we direct the Registry to treat the petition dated 27-07-2016 filed by the petitioner as Miscellaneous Petition and collect applicable fees and number the same for proceeding further.

(Sd.....)
(K.Venkatasamy)
Member (Legal)

(Sd.....)
(Dr.T.PrabhakaraRao)
Member

(Sd.....)
(M.Chandrasekar)
Chairman

/True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission