



**IN THE HON'BLE TAMIL NADU ELECTRICITY REGULATORY  
COMMISSION  
CHENNAI**

**23<sup>rd</sup> DAY OF AUGUST 2005**

**PRESENT:**

**The Hon'ble Chairman Mr. A. Balraj, IAS., Retd. - Chairperson**

**The Hon'ble Member Mr. S. Thangarathnam - Member**

**and**

**The Hon'ble Member Mr. B. Jeyaraman - Member**

**M.P. No.28/2005 in M.P. No.27/2005**

Sri Ramachandra Educationnal and Health Trust,  
25, Sir C.V. Raman Road, Alwarpet,  
Chennai-600 018  
represented by its Managing Trustee  
V.R. Venkatachalam.

--- Petitioner.

**Vs.**

Tamil Nadu Electricity Board,  
800, Anna Salai,  
Chennai-600 002  
represented by its Chairman

--- Respondent.

This petition coming on for hearing on 26th day of July 2005 before us in the presence of Thiruvalaral R.S. Pandiaraj, Vasanthakumar and Sundar, Advocates for the petitioner, of Thiru G.Vasudevan, Advocate for the respondent, having heard the arguments of both the counsel, having perused the petition and affidavit and the counter-affidavit of the respondent and other connected documents and having stood over for consideration till this day, this Commission deliver the following

**INTERIM ORDER**

- 1) The prayer in M.P. No. 28 of 2005 in MP No. 27 of 2005 is that this Commission may be pleased to pass an interim order restraining the Respondent from applying HT Tariff III and direct the Respondent Board to apply HT Tariff II – A to the Petitioner's Trust HT SC No. 479 as applicable to Educational Institutions pending disposal of the above Petition viz. M.P. No. 27 of 2005.
- 2) In the Affidavit to the main petition viz. M.P. No. 27 of 2005, in para 18 at p 5, the Petitioner has stated that the Petitioner has made out a prima facie case and that the balance of convenience is in favour of the Petitioner and that the Petitioner would be put to great irreparable loss if the above interim prayer is not granted by this Commission.
- 3) The Respondent Board in their Counter Affidavit to the above Petition viz. M.P. 28 of 2005 in para 3 have stated as follows: "The prayer in the main petition and interim petition are identical and similar. Hence it is not sustainable in law. By allowing the Interim direction, the TNEB will be put to serious prejudice since virtually it amounts to allowing the main review petition. Therefore, the interim direction is not maintainable"
- 4) On a comparison of the main prayer in para 19 of the Main Petition viz. MP No. 27 of 2005 and the interim prayer in para 18 of the above main petition, it is seen that the main prayer as well as interim prayer are same as contended by the Respondent Board. Hence as contended by the Respondent Board, if the interim prayer is granted then it would virtually amount to allowing the main petition itself. The expression "**pending disposal of the above petition**" occurring in the interim prayer in para 18 of the main petition is significant. If the interim prayer is granted then it would amount to disposal of the main prayer in the main petition itself and there is nothing left for the Commission to dispose of the main petition. As such ;the Commission is unable to comply with the interim prayer asked for in this petition viz. MP No. 28 of 2005 in MP No. 27 of 2005.

5) In this connection, it may be pointed out that the Respondent Board has in para 2 of the Counter Affidavit, referred to an agreement entered into by the Petitioner with the Respondent Board. But the Respondent Board has not furnished the copy of the above agreement as required under Regulation 23 (1) of the TNERC Conduct of Business Regulations 2004. The above agreement is vital to the determination of the legal issues involved in the main petition by this Commission.

6) In the above circumstances, the Commission directs as follows:

- (i) The above M.P. No. 28 of 2005 requesting for interim prayer referred to in para 1 in M.P. No.27 of 2005 is dismissed;
- (ii) The Respondent Board is directed to furnish an authenticated copy of the agreement deed referred to above as required under Regulation 23 (1) of the TNERC Conduct of Business Regulations 2004.

There would be no costs.

**Pronounced in the Open Court by this Commission on 23<sup>rd</sup> day of August 2005**

**Sd.....  
(B. JEYARAMAN)  
Member**

**Sd.....  
(S. THANGARATHNAM)  
Member**

**Sd.....  
(A. BALRAJ)  
Chairman**

**List of Witnesses examined**

**NIL**

**List of Documents**

**NIL**

**Sd.....  
(B. JEYARAMAN)  
Member**

**Sd.....  
(S. THANGARATHNAM)  
Member**

**Sd.....  
(A. BALRAJ)  
Chairman**

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**SECRETARY**