



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

18th DAY OF OCTOBER 2006

PRESENT:

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

and

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

M.P.No. 11 of 2006 in R.P.No.5/2006

**IN THE MATTER OF: Condonation of delay in filing the above Review
Petition 5 / 2006**

M/s. Pandian Chemicals Limited
rep. by its Secretary
Thiru K. Sathiavan,
S/o R.Krishnamoorthy
17-A Vallabhai Road,
Chokkikulam,
Madurai 625 002.

: Petitioner

The above petition M.P.No.11 of 2006 coming up for orders as to admission before this Commission, on this day the 18th October 2006, this Commission upon perusing both the above M.P. No.11 of 2006 and R.P.No.5

of 2006 and the affidavit filed in support thereof and all connected records pertaining to the case and upon hearing the arguments of the Petitioner, hereby pronounces the following

ORDER

1. Prayer of the Petitioner in R.P. No.5 of 2006

It is prayed that this Commission may review its order (hereinafter referred to as the Impugned Order) and fix Meter Caution Deposit "At Par" with the investment made by TNEB in the HT meter as against 600% more than the actual cost of meter collected as Caution Deposit. Further the monthly rent collected for HT meter shall be restricted to 12% return on the investment made by TNEB in the Meter as against 361% return fixed at present and in the alternative, at the option of the consumer, TNEB can collect the full cost of the HT meter from the HT consumers instead of collecting Meter Caution Deposit and monthly Meter Rent for the Meter.

2. Prayer of the Petitioner in M.P.No.11 of 2006

The prayer of the Petitioner in M.P. No.11 of 2006 in para 0.3, is to condone the delay in filing the above R.P. No.5 of 2005

3. Contentions of the Petitioner

The contention of the Petitioner for the delay as set out in the above M.P. No.11 of 2006 is reproduced below:

"This Petition seeks condonation of delay in filing the Review Petition dated 17.8.2006 which was due to circumstances beyond our control due to difficulties and delay faced in obtaining the actual cost paid by TNEB for the HT meter. The cost was obtained after getting legal advice to apply for the HT meter purchase price under Right to Information Act, 2005."

4. Findings of the Commission

There is an inordinate delay of one year and ten months and twenty days in filing the above Review Petition.

The reasons for the delay as set out above are not convincing. Further in this connection, it may be pointed out that the order of the Commission viz. Order dt. 31.8.2004 passed in M.P. No. 41 of 2003 which the Petitioner seeks to review is not a permanent order. Just like the Tariff Order of the Commission which can be revised by the Commission after the expiry of the period fixed in the order, the Impugned Order also can be amended or fresh order can be issued. As per section 21 of the General Clause Act 1897 (Act No. 10 of 1997) the power to issue an order would include power to vary or revoke the order. Hence the above petition is liable to be dismissed without costs and the Commission cannot entertain the above Review Petition No. 5 of 2006 on the ground of inordinate delay which cannot be condoned for the reasons set out above. However, it may be stated that it is open to the

Petitioner to represent to this Commission as and when a general review of the Tariff Order and the Impugned Order passed by this Commission are taken up either suo motu or on an application made by the TNEB..

With these observations, the above M.P. No.11 of 2006 and R.P. No. 5 of 2006 are dismissed.

There would be no costs.

Pronounced in the Open Court on this day of 18th October 2006.

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

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

/Certified Copy/

**Secretary
Tamil Nadu Electricity
Regulatory Commission**