

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

**PRESENT:-**

Thiru.S.Kabilan ... Chairman  
and  
Thiru.K.Venugopal .... Member

**D.R.P. No. 22 of 2009**

**Dates of hearings: 14-10-2009, 29-10-2009, 03-12-2009,  
06-01-2010 and 25-02-2010.**

**Date of Order:17-8-2010**

Shree Ambika Sugars Limited  
"Eldorado", 5<sup>th</sup> Floor  
No.112, Uthamar Gandhi Salai  
Chennai – 600 034.

.... Petitioner  
(Thiru Rahul Balaji, Advocate for Petitioner)

Vs.

1. The Tamil Nadu Electricity Board  
Represented by the Chairman  
144, Anna Salai  
Chennai – 600 002.
2. The Superintending Engineer  
Thanjavur Electricity Distribution Circle  
Thanjavur .... Respondents  
(Thiru Mohammed Rafi, Advocate for  
Respondents)

**ORDER**

The Petitioners have in their letter dated 13-04-2006 addressed to the Chief Financial Controller, TNEB have interalia stated as follows:-

“We would like to bring to your notice that the receipt of payment as above is without prejudice to our

- a) Writ Petition pending before the High Court of Madras in which we have challenged the fixation rate under BP (FB) No.93 dated May 16, 2000.
- b) Claim for interest @ 15% per annum for the delay in settlement”.

In letter dated 03-05-2006 addressed to the Chief Financial Controller, TNEB, the Petitioner have referred to the Writ Petition. Further in letter dated 20-07-2009 addressed to Chairman, TNEB at Para 8, the Petitioners have stated as follows:-

“We wish to clarify that the aforesaid request of ours is made without prejudice to pursue any legal proceedings that have been initiated by us on this issue or any other connected matter”

The above letters dated 13-04-2006, 03-05-2006 and 20-07-2009 form part of this D.R.P. No.22 of 2009 (referred to as Item 8,9 and 15 of the enclosure to the D.R.P. 22 of 2009).

The Petitioners have stated in their letter dated 13-4-2006 that they have challenged the fixation of rate under BP (FB) No.93 dated 16-5-2000. Since the findings of the Commission would rest on BP No.93 dated 16-5-2000, the Commission is of the opinion that the parties may await the judgement of the High Court of Madras. This DRP is disposed of accordingly. If there is still a cause of action, they may file fresh petitions before this Commission.

(Sd.....)  
(K. Venugopal)  
Member

(Sd.....)  
(S. Kabilan)  
Chairman

/ True Copy /

Secretary  
Tamil Nadu Electricity  
Regulatory Commission