

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**

M.P. Nos. 6 of 2010, 9 of 2010 and 17 of 2010 and D.R.P. No.9 of 2010

I.A. Nos. 1 and 2 of 2010 in M.P. No. 9 of 2010

M/s. Southern India Mills Association
Rep. by its Secretary General
41, Race Course Road
Coimbatore – 18.

.... **Petitioner**
(Thiru.N.L. Rajah, Advocate for Petitioner)

Vs.

The Tamil Nadu Electricity Board
Rep. by its Chairman
Anna Salai
Chennai

.... **Respondent**
(Thiru.Mohammed Rafi, Advocate for Respondent)

M.P. No. 6 of 2010

M/s. Biomass Power Producers Association
Rep. by its Authorised Representative
III Floor, Mookambika Complex
No. 4, Lady Desika Road
Mylapore
Chennai – 600 004.

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

Vs.

1. The Tamil Nadu Electricity Board
800, Anna Slai
Chennai – 600 002.

2. The Member (Generation)
Tamil Nadu Electricity Board
Chennai.

.... Respondents
(Thiru.Mohammed Rafi, Advocate for Respondents)

M.P. No. 17 of 2010

M/s. Lucas TVS Ltd.,
No. 11, Patulas Road
Chennai – 600 002.

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

Vs.

The Tamil Nadu Electricity Board
Rep. by its Chairman
144, Anna Salai, Chennai

.... Respondent
(Thiru.Mohammed Rafi, Advocate for Respondent)

D.R.P. No. 9 of 2010

M/s. OPG Power Generation Pvt. Ltd.,
No. 117, P.S. Singarasamy Salai
Mylapore
Chennai – 600 004.

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

Vs.

The Tamil Nadu Electricity Board
Rep. by its Chairman
800, Anna Salai
Chennai – 600 002

.... Respondent
(Thiru.Mohammed Rafi, Advocate for Respondent)

Date of hearing : **17-08-2010**
Date of Interim Order : **17-08-2010**

The Commission after considering the above petitions and the contentions of both sides and oral arguments of both sides issues the following:-

INTERIM ORDER

The base demand as worked out by the TNEB on the basis of their Circular dated 17-11-2008 shall remain. Procurement through Open access which is protected by the Electricity Act 2003 may be treated as an additionality but limited to the sanctioned demand of the consumer. This has been admitted by the TNEB in their communication dated 17-07-2009 "Procedure for allowing Third Party Sale / Purchase under Intra State Short Term Open Access"

The consumer should declare in advance one month prior to the billing period for availing of Open access procurement. For example for a billing period commencing from 27th September 2010, the declaration should be made before 27th August 2010.

If the Open access procurement does not materialize to the extent projected by the consumer, he will limit his drawal to the extent of actual availability of Open access procurement.

Delivered on 17-08-2010

(Sd.....)
(K. Venugopal)
Member - I

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

/ True Copy /

Assistant Secretary
Tamil Nadu Electricity
Regulatory Commission