

**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. No. 25 of 2010 and I.A. No. 1 of 2010**  
in  
**M.P. No. 25 of 2010**

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

**Date of Order : 07-09-2010**

Sri Vishnu Annamalaiyar Paper Mills (P) Ltd.  
Rep. by its Managing Director  
Mr.K.RA.G. Saravanan  
9/4/52, Ramanujan Street  
Sri Ram Nagar, Kottaiyur  
Karaikudi – 631 106.

.... Petitioner  
(Thiru. M. Aravind Subramaniam, Advocate for Petitioner)

Vs.

1. The Chairman  
The Tamil Nadu Electricity Board  
Chennai.
2. The Chief Engineer (Commercial)  
The Tamil Nadu Electricity Board  
Chennai.

3. The Chief Engineer Madurai Region  
The Tamil Nadu Electricity Board  
Madurai.
  
4. The Superintending Engineer  
Sivagangai Electricity Distribution Circle  
The Tamil Nadu Electricity Board  
Sivagangai  
Sivagangai District.

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

M.P. No. 25 of 2010 and I.A. No. 1 of 2010 in M.P. 25 of 2010 came up for hearing on 17-08-2010. The Commission upon pursuing the above petitions and connected records and after hearing both sides passes the following

### **ORDER**

1. **Prayer in M.P. No. 25 of 2010 :-**

1.1. The prayer in M.P. No. 25 of 2010 is to direct the respondents -

”not to levy penalty charges, excess demand and energy quota on the petitioner which is a continuous process industry and to setaside all the penalty charges levied for the period from 01-12-2008 till the disposal of this petition ;

to direct the respondents to refix the quota of energy for connections HTSC 80 and HTSC 113 in view of the commissioning of Pudukkottai New Sub-station having a load capacity of 10 MVA ;

to direct the respondents to treat the petitioner as a continuous process industry based on the clubbing of units ;

to direct the respondents to grant an additional load of 700 KVA without collecting the penalty charges levied for the period December 2008 and

to collect the Additional Current Consumption Deposit of Rs.32,63,771/- after deducting a sum of Rs.10 lakhs towards the penalty charges.

- 1.2. The prayer in I.A. No. 1 of 2010 in the said M.P. No. 25 of 2010 is to grant an order of injunction restraining the respondents from collecting any penalty charges for the period, December 2008 CC charges bill to till date May 2010 CC charges Bill Nos.113, 80 and the subsequent CC charges bills in respect of HTSC No.113 and HTSC No.80 belonging to the petitioner pending disposal of this petition.

## 2. **Findings of the Commission:-**

- 2.1. The Commission in the interim order dated 7-7-2010 observed that this case is a dispute between a consumer and the distribution licensee and therefore, the Commission would not like to interfere in the case. However, the petitioner submitted that the formula for fixing of base demand and base energy needs to be modified in the case of the petitioner. Accordingly, on the limited question of refixing the demand and energy quota the TNEB was directed to file a counter. When the case came up for hearing on 17-8-2010, the TNEB was not ready with the

counter. The TNEB sought further time for filing the counter. This prayer of the TNEB was rejected by the Commission on the ground that five weeks period is adequate for the TNEB. Therefore, the Commission proceeded with the case.

- 2.2. It transpired during the arguments that the petitioner, originally known as M/s. Heritage Paper Mills Ltd. had approached the High Court of Madras in Writ Petition No.639 of 2009. The order of the High Court dated 23-4-2010 is extracted below:

*“Even though the Petitioner has come forward with this Writ Petition challenging the impugned order of the fourth respondent dated 29-12-2008 and consequently directing the fourth respondent to refix the energy quota for the petitioner Mill, the learned counsel appearing for the petitioner states that the petitioner has given up the first limb of the prayer and the petitioner would be satisfied if the fourth respondent is directed to fix the energy quota of the petitioner Mill.*

*Taking into consideration of the said submission made by the learned counsel appearing for the petitioner, the petitioner is directed to approach the second respondent with a request to refix the energy quota for the Mill within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the same on merits and in accordance with law and also in the light of the recommendation made by the third respondent. The said exercise has to be carried out by the second respondent within a period of four weeks thereafter.*

*The Writ Petition is ordered accordingly. No costs. Consequently connected M.P.Nos.1 and 2 are closed.”*

- 2.3. The petitioner was directed by the High Court to approach the Chief Engineer (Commercial), TNEB with a request to refix the energy quota. Now, it transpires that the issue before the Commission also covers the

same ground. If any relief is granted by the Commission, that would amount to duplication of the relief already granted by the High Court. Therefore, the Commission is of the opinion that there is no need to pursue this petition.

2.4. Therefore, the M.P. No.25 of 2010 and IA No.1 of 2010 are dismissed without cost. Interim Order dated 7-7-2010 is merged with this order.

3. **Appeal:-**

An appeal against this order lies to the Appellate Tribunal for Electricity as per section 111 of the Electricity Act 2003 within a period of forty five days.

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

Sd/-  
**(S.Kabilan)**  
**Chairman**