

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**

S.M.P. 2 of 2010

In the matter of Velliaampalayam Siru Vivasayeegal, Kaveri Nathi Neertru, Pasana Sangam, Rep. by its Secretary, Mr.V.K. Subramaniam

.... Petitioner in CMA No.931 of 2004
before the Hon'ble High Court

Date of hearing 07-07-2010

Date of order 07-07-2010

ORDER

1. The Velliampalayam Siru Vivasayeegal Kaveri Nathi Neertru Pasana Sangam represented by its Secretary, Thiru.V.K. Subramaniam filed C.M.A No.931 of 2004 before the Hon'ble High Court, Madras praying for setting aside the tariff order dated 15-03-2003 of the Commission on High Tension Tariff –IV demanding 50 paise per unit from the petitioner Sangam.

The operative portion of the order of the Hon'ble High Court in Paras 8 and 9 of the order is extracted below:-

“8. It is seen that for lift irrigation the tariff was increased from 0.25 paise to 0.50 paise. The Act was intended to rationalize the electricity tariff. However, the Commission should safeguard interest of consumers particularly small farmers, who are using lift irrigation system. It is also seen that the energy charges for LT tariff IV is fixed as Rs.250 per HP per annum. As correctly pointed out

by the learned counsel for the appellant, there should not be any difference in energy charges for LT Tariff and HT Tariff since the small farmers are using the HT Tariff. The Electricity Regulatory Commission itself in its order in 1.4.5 stated that normally for any consumer category HT Tariff should be lower compared to LT Tariff as the cost of HT supply is lower than that of LT supply.

9. Considering the facts and circumstances of the case and in view of the foregoing reasons, I am inclined to remit back the matter to the Electricity Regulatory Commission. Accordingly, the tariff order passed in T.P.01/2002 is remitted back to the first respondent for passing fresh orders regarding the tariff rates in High Tension category. However, it is made clear that the Electricity Board is at liberty to collect electricity tariff from the appellant Sangam as per the rates existing as on date”

Para 6 of the order of the Hon’ble High Court of Madras is also extracted below:-

“6. The Learned Counsel appearing for respondents 3 and 4 contended that against the order of the Division Bench, a Review Petition was filed and the same was dismissed and hence there is no necessity to set aside the tariff order”

2. Pursuant to the said order of the Hon’ble High Court, the above matter was taken on file of the Commission as Suo Moto Petition (SMP) No. 2 of 2010 and the petitioner as well as the Executive Engineer, TNEB, Erode, South Erode, the 4th Respondent in the above CMA No.931 of 2004 were directed to attend the hearing of the Commission on 07-07-2010. Thiru.V.K.Subramanian, the Secretary of the Velliaampalayam Siru Vivasayeegal Kaveri Nathi Neertru

Pasana Sangam appeared in person and pleaded for subsidised rate of tariff to the small farmers of the above Sangam as in the case of Low Tension Supply.

The Commission in its tariff order dated 15-03-2003 had fixed the tariff for agricultural consumers, which is much below the average cost of supply as well as much below the average cost to serve irrespective of the supply in HT or LT category. The Commission also observes that while subsidy was granted to various agricultural consumers by the Government of Tamil Nadu under Section 65 of the Act, this small group of consumers of 11 co-operative societies who took HT connection were not covered by the subsidy granted by the Government. It is the discretion of the Government to extend subsidy to a particular category and the Commission has no role therein.

A copy of this order may be sent to (i) the Secretary, Energy, Government of Tamil Nadu ; (ii) the Chairman, TNEB ; and (iii) the Executive Engineer, TNEB, Erode South, Erode District.

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

/ True Copy /

Assistant Secretary
Tamil Nadu Electricity
Regulatory Commission