

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
Thiru.K.Venugopal	Member
	and	
Thiru.S.Nagalsamy	Member

M.P. (Contempt) No. 8 of 2011
in
D.R.P. No. 4 of 2010

M/s.Sai Regency Power Corporation Private Limited
Represented by its Authorised Signatory
No.3, II Floor, Crown Court
128, Cathedral Road
Chennai – 600 086.

.... Petitioner
(Thiru.E.Manoharan, Advocate for the Petitioner)

Vs.

The Tamil Nadu Electricity Board
Rep. by its Chairman
No.144, Anna Salai
Chennai – 600 002.

..... Respondent
(Thiru R.Selvakumar, Advocate for the Respondent)

Dates of hearing : 20-4-2011, 17-6-2011 & 15-7-2011
Date of order : 15-7-2011

The above M.P.No.8 of 2011 in D.R.P.No.4 of 2010 has been filed with a prayer to pass appropriate orders against the Respondent Board for disobedience of the order dated 7-9-2010 in D.R.P. No. 4 of 2010 passed by the Commission. The Respondent has filed a counter affidavit submitting that

negotiation with four companies including the Petitioner Company offering Rs.3.50 per unit as fixed by the Commission in D.R.P. No.13 of 2009 and that the companies did not agree with the offer and the Respondent company was informed that the subject matter was being examined by the Board and that a communication will be sent to the Petitioner in due course.

The above M.P. No. 8 of 2011 came up for hearing on 17-6-2011 and 15-7-2011 and the Commission after perusing the above M.P. and connected records and after hearing both sides passes the following:-

ORDER

The Petitioner filed the contempt petition on 28-3-2011 for not implementing the order of the Commission dated 7-9-2010. The Contempt Petition was filed after six months of the order. The TNEB had, under the Electricity Act, 2003, a time of 45 days to appeal against the order. They did not file an appeal. After the Petitioner filed contempt petition, the TNEB came up with a clarifactory petition on 13-6-2011 which was dismissed by the Commission. We are in July 2011, ten months after the order of the Commission. Now the TNEB says they will give an undertaking to make the payment within three months which would amount to a year after the order of the Commission.

We understand the financial stringency of the TNEB. But that has not been cited as the ground by the TNEB for delaying the payment. They could have offered to make the payment in instalments which they did not do.

Unfortunately, no deadline has been prescribed by the Commission in order dated 7-9-2010 for making the payment. Nevertheless, since the Respondent did not prefer an appeal within the stipulated time of 45 days, he should have given effect to the order. The Counsel for the TNEB pleads for a time of three months to make the payment. The Petitioner did not seriously object to this prayer. Therefore, the Commission directs that the payment should be made by the Respondent within a period of three months. Proceeding under Section 142 will be kept in suspension till then.

(Sd.....)
(S. Nagalsamy)
Member

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

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

/ True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission