



## **THE TAMIL NADU ELECTRICITY REGULATORY COMMISSION**

(Constituted under Section 82(1) of the Electricity Act, 2003)  
(Central Act 36 of 2003)

**Wednesday, the 2<sup>nd</sup> day of April 2008**

**PRESENT :**

**Thiru S. Kabilan** - Chairman

**Thiru B. Jeyaraman** - Member

**and**

**Thiru R. Rajupandi** - Member

**M.P.No. 16 of 2007 and 17 of 2007**

**Hindustan Petroleum Corporation Ltd.,  
LPG Bottling Plant  
Plot No.J-12, Phase-II  
Sipcot Industrial Complex  
Gummidipoondi - 601 201** ..... **Petitioner**

**Vs**

**The Chairman  
Tamil Nadu Electricity Board  
No.800 Anna Salai  
Chennai - 2.** ..... **Respondent**

---

The above petitions viz. M.P.No. 16 of 2007 and M.P.No. 17 of 2007 came up for final hearing before the Commission on 2.4.2008. The Commission upon perusing the above petitions and the counter-affidavit filed by the Respondent Board and all other connected records of the case and upon hearing the arguments of both sides passes the following

## **ORDER DATED 2<sup>ND</sup> APRIL 2008**

### **1. Prayer of the Petitioner in M.P.No. 16 of 2007**

The prayer of the petitioner in M.P.No.16 of 2007 is to direct the respondent to change the petitioner's HT No. 1693 from HT Tariff III to HT I A.

### **2. Prayer of the Petitioner in M.P.No. 17 of 2007**

The prayer of the petitioner in M.P.No. 17 of 2007 is to stay the letter dated 18.8.2007 of SE CEDC/North, Chennai (hereinafter referred to as the Impugned Letter) pending disposal of the above M.P.No. 16 of 2007.

### **3. Facts of the Case**

The petitioner corporation (Hindustan Petroleum Corporation) is a Government of India undertaking, carrying on business of refining and selling of automobile oil such as petrol, diesel, kerosene and liquefied petroleum gas.

The petitioner's company is registered under the Factories Act.

The Respondent Board in their letter dated 18.8.2007 has changed the petitioner HT No.1693 from Tariff HT I A to Tariff HT III.

The petitioner was informed by the Respondent Board that the petitioner HT No. 1693 was restored under HT Tariff III and CC charges for the period from 05/06 to 07/07 i.e Rs.14,20,584/- would be included in the petitioner consumption bill for the period 08/07 for realization.

Aggrieved by the above impugned letter the petitioner has filed the above M.P.No. 16 of 2007 before the Commission.

### **4. Contentions of the Petitioner**

The contentions of the petitioner are as follows:

- a) The unilateral change of the petitioner HT No. 1693 by the respondent in their impugned letter dated 18.8.2007 is not sustainable either in law or on facts.
- b) The petitioner's company was registered under the Factories Act and comes under Industrial Tariff IA.
- c) The petitioner being a public sector undertaking is constrained to pay the sum of Rs. 57,80,105/- . The change of tariff by the Respondent is arbitrary.

## **5. Contentions of the Respondent Board**

The contentions of the Respondent Board are as follows:

The service connection of the petitioner was effected on 26.7.1999 under HT Tariff III and the same was reverted to HT I A during May 2006.

The petitioner has made representation during December 2005 for change of Tariff from HT Tariff III to HT Tariff I A and the same was effected based on the Commission Order dated 23.8.2005.

The petitioner service connection was again restored to HT Tariff III during August 2007 with effect from May 2006 and an amount of Rs.14.20 lakhs was collected for the period from May 2006 to July 2007.

## **6. Findings of the Commission and Conclusion**

The petitioner corporation has been registered under the Factories Act. As the petitioner corporation being a factory it is eligible for Industrial Tariff I A. The change of tariff from HT III to HT IA with effect from March 2006 as ordered in Lr. SE/CEDC/F1693/D 100/06 dated 6.3.2006 is in order.

The claim of the petitioner for refund of Rs. 41.58 (Rupees Forty One Lakhs Fifty Eight Thousand) paid allegedly under protest for the period from August 2002 to April 2006 has not been substantiated with documentary evidence and hence, this claim is not allowed.

The letter dated 18. 8. 2007 of the respondent board reverting the tariff of the petitioner corporation to commercial tariff is not in order. Hence, the said letter of the respondent board is set aside. The excess amount paid by the petitioner for the period from May 2006 to July 2007 is hereby ordered to be refunded by the respondent board. The petitioner has to be classified under HT Tariff IA (Industrial).

With the above observations the above M.P.Nos. 16 & 17 of 2007 are finally disposed off. There would be no costs.

(Sd.....)  
**(R. RAJUPANDI)**  
**Member**

(Sd.....)  
**(B.JEYARAMAN)**  
**Member**

(Sd.....)  
**(S.KABILAN)**  
**Chairman**

**/ True Copy /**

**Secretary  
Tamil Nadu Electricity  
Regulatory Commission**