

**Before the Appellate Tribunal for Electricity**  
( Appellate Jurisdiction )

**I.A. No. 135 of 2011 in**  
**DFR No. 742 of 2011**

**Dated :19<sup>th</sup> - August, 2011**

**Present:** Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson  
Hon'ble Mr. V.J. Talwar, Technical Member

Southern India Mills Association ... Appellant(s)

Versus

T.N.E.B. & Anr. ....Respondent(s)

**Counsel for the Appellant(s):** Mr. N.L. Rajah & Mr. Swapnil Verma

**Counsel for the Respondent(s):** Mr. S. Vallinayagam for TNEB

**ORDER**

**I.A. No. 135 of 2011**  
*(Condone delay Application)*

We have heard the learned counsel for the parties. The delay in filing the Appeal is condoned. The Registry is directed to number the Appeal.

**APPEAL No. 120 of 2011**

Admit. It is pointed out that this issue has already been covered in the Judgments earlier rendered by this Tribunal in Appeal Nos. 79 & 80 of 2011.

The question that arises for consideration in the instant Appeal is whether the State Commission is justified in restricting the benefit of the Order dated 07.09.2010 to the period from and after 17.08.2010?

According to the learned counsel for the Appellant, while passing the impugned Order on 07.09.2010, the State Commission has stated that this Order will come into effect from 17.08.2010, but fixing of the date as 17.08.2010 was without adducing the reasons in the impugned order even though the said order is a clarificatory Order, while clarifying the earlier Order passed on 28.11.2008.

It is further pointed out that the State Commission in S.M.P. No. 1 of 2009 decided the issue and passed an order on 28.10.2009, with reference to the advance declaration and there was no reason as to why the said date was not taken into consideration for fixing date on which the order would come into effect.

The learned counsel for the Respondent TNEB, on the other hand vehemently submitted that the impugned Order is justified.

We notice, as pointed out by the learned counsel for the Appellant, that there are no reasons given in the impugned Order as to

why the Order has to come into effect from 17.08.2010 even though the earlier Order was passed on 28.11.2008 and the Order in S.M.P. No. 1 of 2009 had been passed on 28.10.2009.

Under these circumstance, we deem it fit to set a side the impugned order on this issue and remand the matter directing the State Commission to consider and decide the said question as to when actually this Order will come into effect and what are the reasons for the same. Accordingly ordered. The State Commission is directed to dispose of the matter within one month from the date of the receipt of this order after hearing the Appellant and the parties concerned. In the meantime, the Appellant is directed to pay the admitted current bills.

Accordingly, the Appeal is allowed.

**( V.J. Talwar )**  
**Technical Member**

**TS/KS**

**(Justice M. KarpagaVinayagam )**  
**Chairperson**