

COURT-I
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

IA NOS. 1183 & 1181 OF 2019 IN
DFR NO. 2164 OF 2019

Dated: 24th July, 2019

Present: Hon'ble Mrs. Justice Manjula Chellur, Chairperson
Hon'ble Mr. S.D. Dubey, Technical Member

In the matter of:

Dhanalakshmisranivasan Sugars Private Limited ... Appellant(s)

Versus

Tamil Nadu Electricity Regulatory Commission & Anr. ... Respondent(s)

Counsel for the Appellant(s) : Mr. Buddy A. Ranganadhan
Mr. Pawan Bhushan
Mr. Arvind Velu
Ms. Ujwala Uppaluri

Counsel for the Respondent(s) : Mr. S. Vallinayagam for R-2

ORDER

IA NO. 1183 OF 2019
(Application for leave to file appeal)

Heard learned counsel for the parties.

For the reasons stated in the application, leave to file the instant appeal is granted. Application is disposed of.

IA NO. 1181 OF 2019
(Application for condonation of delay in filing appeal)

For the reasons set out in the application, IA is allowed and 133 days' delay in filing the appeal is condoned. Application is disposed of.

DFR NO. 2164 OF 2019

Admit.

Heard learned counsel for Appellant. We have gone through the following orders:

- “1. Order dated 24.04.2019 passed by the Hon’ble High Court of Madras in ‘Loyal Textiles Mills Ltd. v. The Tamil Nadu Generation & Distribution Corporation Ltd.’, WP (MD) No. 9904/2019.
2. Order dated 25.04.2019 passed by the Hon’ble High Court of Madras in ‘Chennai Petroleum Corporation Ltd. v. The Tamil Nadu Generation & Distribution Corporation Ltd.’, WP (MD) No. 12411 & 12708/2019.
3. Order dated 29.05.2019 passed by this Hon’ble Tribunal in ‘Sree Rengaraj Ispat Industries (P) Ltd. v. The Tamil Nadu Electricity Regulatory Commission’, Appeal No. 173/2019.”

Since they had not opted for parallel operations of the captive generating plants with the grid without availing open access, they are not liable to pay Parallel Operation Charges (“POC”). According to Respondents there was second tariff Order in August, 2017 wherein they modified earlier Tariff Order and second Tariff Order is not challenged by the Appellant. In terms of Madras High Court order referred above the POC was from May, 2014 to January, 2019 and Madras High Court has stayed all proceedings consequent to order of stay granted referred to above. In that view of the matter, we direct the Respondent Discom not to precipitate the matter in terms of demand notice now under challenge till the next date of hearing.

Respondents may file reply, if any, on or before 06.08.2019 with advance copy to the other side.

List the stay application for hearing on **06.08.2019**.

(S.D. Dubey)
Technical Member
tpd/mkj

(Justice Manjula Chellur)
Chairperson