

COURT-I

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

**APPEAL NO. 173 OF 2019 &
IA NOS. 715 & 1238 OF 2019**

Dated: 7th August, 2019

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

In the matter of:

Sree Rangaraj Ispat Ind Pvt Ltd.

...Appellant(s)

Vs.

Tamil Nadu Electricity Regulatory Commission & Ors.

...Respondent(s)

Counsel for the Appellant(s) : Mr. Buddy A.Ranganadhan
Mr. Kumar Mihir

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

ORDER

Memo dated 07.08.2019 filed by the Appellant praying for deletion of Proforma Respondent No.8/Dalmia Cement Bharat Limited is allowed. Appellant is directed to file amended memo of parties and also carry out consequential amendments in the appeal within one week from today.

We have gone through the letter dated 19.06.2019 especially contents of page No.57 of I.A. No. 1238 of 2019.

Heard learned counsel for the parties. 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 1st January, 2014 to 31st December, 2017 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 28.08.2019 with advance copy to the other side.

List the stay application for hearing on **04.09.2019**.

(S.D. Dubey)
Technical Member
ts/pk

(Justice Manjula Chellur)
Chairperson