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

<u>IA NO. 1656 OF 2019 IN IA NO. 1655 OF 2019 IN APPEAL NO. 164 OF 2019 & IA NO. 650 OF 2019</u>

Dated: 2nd September, 2019

Present: Hon'ble Mrs. Justice ManjulaChellur, Chairperson

Hon'ble Mr. S. D. Dubey, Technical Member

In the matter of:

Chemplast Sanmar Limited ...Appellant(s)

Versus

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

Counsel for the Appellant(s) : Mr. Anand K. Ganesan

Ms. Swapna Seshadri

Counsel for the Respondent(s) : Mr. S. Vallinayagam for R-1

ORDER [IA No 1656 of 2019 for Urgent Listing]

We have heard learned counsel for the appellant. For the reasons stated in the application, the IA is allowed and disposed of.

IA NO. 1655 OF 2019 IN APPEAL NO. 164 OF 2019 & IA NO. 650 OF 2019

Heard learned Appellant's counsel on the application for directions. 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.
- 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.

 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 Operation Charges ("POC"). liable to pay Parallel According 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 next date of hearing.

Objections by the Respondents shall be filed within three weeks' time i.e. on or before 23.09.2019 with advance copy to the other side.

List the matter on <u>01.10.2019</u>.

(S. D.Dubey)
Technical Member

(Justice ManjulaChellur)
Chairperson

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