

COURT-I

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

Appeal No. 214 of 2019

&

IA No. 738 of 2019

Dated : 18th July, 2019

**Present: Hon'ble Mrs. Justice Manjula Chellur, Chairperson
Hon'ble Mr. Ravindra Kumar Verma, Technical Member**

In the matter of:

**M/s. Dalmia Cement (Bharat) Limited Appellant(s)
Versus
Tamil Nadu Electricity Regulatory Commission & Ors. Respondent(s)**

Counsel for the Appellant(s) : Mr.Sajan Poovayya, Sr. Adv.
Mr. Kumar Mihir

Counsel for the Respondent(s) : Mr. S. Vallinayagam for R-2
Mr. Anand K. Ganesan
Ms. Swapna Seshadri for R-15

ORDER

Heard the Appellant's learned senior counsel. 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 next date of hearing.

Objections by the Respondents shall be filed within two weeks' time i.e. on or before 01.08.2019 with advance copy to the other side.

List the matter on **06.08.2019**.

(Ravindra Kumar Verma)
Technical Member
mk/mkj

(Justice Manjula Chellur)
Chairperson