

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

IA NOS. 1610 & 1606 OF 2019 IN
DFR NO. 2270 OF 2019

Dated : 14th September, 2019

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

In the matter of:

Rajshree Sugars and Chemicals Ltd.

...Appellant(s)

Versus

Tamil Nadu Electricity Regulatory Commission & Anr.

...Respondent(s)

Counsel for the Appellant(s) : Ms. Adishree Chakraborty
Mr. Damodar Solanki
h/f Mr. Anand K. Ganesan

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

ORDER

IA No. 1606 of 2019 is filed for condonation of delay of 186 days in filing the Appeal. IA No. 1610 of 2019 is filed seeking for leave to file the Appeal by the Appellant against the order dated 04.01.2019 passed in MP No. 10 of 2018 by the Tamil Nadu Electricity Regulatory Commission.

The Applicant/Appellant has installed three generating stations comprising a total capacity of 54.5 MW. According to the Applicant/Appellant it has paid the demand charges to TANGEDCO as leviable on a periodic basis. At no point of time, it has applied to TANGEDCO seeking parallel operation with the grid; therefore, no

question of granting such permission by TANGEDCO to the Applicant/Appellant arises.

However, on 04.01.2019, the Respondent-Commission had passed impugned order levying Parallel Operation Charges (POC) on all captive power plants for the simple reason of being electrically connected to the system of TANGEDCO. The Applicant/Appellant learnt about the impugned order only when it received notice dated 23.05.2019 demanding payment of Rs.1,86,92,570/- from it by Respondent-DISCOM towards POC.

Since the time to remit the said amount became effective from May 2014 on the net capacity and the TANGEDCO has included the above amount in the consumption bill of electricity of July 2019, the Applicant/Appellant had no opportunity to represent itself before the State Commission. The Applicant/Appellant was not heard on that at any point of time before the State Commission. The Applicant/Appellant is aggrieved by the exorbitant levy of POC in terms of the impugned order and Applicant/Appellant has been put to grave financial prejudice.

Though the impugned order was passed on 04.01.2019, the Applicant/Appellant came to know about the said order only on 23.05.2019; therefore, there is sufficient cause for the Applicant/Appellant to approach this Tribunal beyond the period of limitation of 45 days contemplated under Section 111 of the Electricity Act 2003. Since the Applicant/Appellant was not a party to the proceedings, which resulted in the order dated 04.01.2019, the Applicant/Appellant is seeking permission to file the instant appeal challenging the said order.

In the light of the above explanation, we feel that sufficient cause is made out for allowing both the applications i.e., condonation of delay as well as leave to file appeal. Therefore, delay of 186 days in filing the appeal is condoned and leave to file the instant appeal is granted.

Accordingly, the applications are disposed of. Registry is directed to number the appeal and list the matter for admission on **23.09.2019**.

(S. D. Dubey)
Technical Member

tpd/pk

(Justice Manjula Chellur)
Chairperson