

TAMIL NADU ELECTRICITY REGULATORY COMMISSION
(Constituted under section 82(1) of the Electricity Act, 2003)
(Central Act 36 of 2003)

PRESENT:

Thiru M. Chandrasekar

... **Chairman**

and

Thiru K. Venkatasamy

... **Member (Legal)**

D.R.P No.5 of 2017

M/s. Al Ameen Green Energy Private Limited
Rep. by its Chairman Thiru M.Basheer Ahamed
Green Palace Complex
No.67, Ramaswamy Street, Mannady
Chennai – 600 001.

.... Petitioner
(Thiru S.Haja Mohideen Gisthi
Advocate for the Petitioner)

Vs.

1. Tamil Nadu Generation & Distribution Corporation Limited
(TANGEDCO)
Through its Chairman
No.144, Anna Salai,
Chennai – 600 002.
2. The Chief Engineer / Non-Conventional Energy Sources (NCES)
2nd Floor, Eastern Wing, NPKRR Maligai
No.144, Anna Salai
Chennai – 600002.

... Respondents
(Thiru M.Gopinathan
Standing Counsel for TANGEDCO)

Dates of hearing 17-09-2019; 15-10-2019; 29-10-2019;
19-11-2019; 17-12-2019; 25-02-2020;
16-06-2020; 21-07-2020; 04-08-2020;
18-08-2020; 15-09-2020; 20-10-2020;
24-11-2020; 29-12-2020; 09-02-2021;
09-03-2021 and 16-03-2021

Date of order : **23-04-2021**

ORDER

1. Prayer of the Petitioner in D.R.P. No.5 of 2017:-

The prayer of the Petitioner in D.R.P. No. 5 of 2017 is to quash the order of the 2nd respondent made in Lr.No.CE/NCES/SE/SOL/EE/SCB/A1/F.AI Ameen/ D.861/17, dated 18-09-2017 and to pass such further order or orders as may be fit proper and necessary in the facts and circumstances of the case and thus render justice.

2. Facts of the Case:-

The petitioner had entered EPA dated 24-03-2016 with TANGEDCO for supply of solar power from its 25 MW plant under Order No.7 of 2014 dated 12-09-2014. Since the petitioner had failed to commission its power plant before 02-01-2019 as per EPA, the same was cancelled in the impugned letter Lr.No.CE/NCES/SE/SOL/EE/SCB/A1/F.AI Ameen/ D.861/17, dated 18-09-2017. The petitioner had challenged the said cancellation before the Hon'ble High Court in W.P. No.224 and 225 of 2018. During the hearing, TANGEDCO offered three options namely, wheeling of power to the third party issues under open access and wheeling of power under captive consumption and sale of power to TANGEDCO under preferential tariff and the Writ Petition had been disposed of on 28-09-2018 directing the TANGEDCO to consider the options exercised by the petitioner. Subsequently, TANGEDCO demanded certain payments treating

the petitioner as a new applicant and the petitioner filed a fresh Writ Petition No. 4178 of 2019 which was allowed. The petitioner also filed a Contempt Petition against TANGEDCO for non-implementation of the orders of the Hon'ble High Court in this matter.

3. Hearing held on 15-10-2019:-

In the hearing held on 15-10-2019, the counsel for the petitioner submitted that similar case is pending before the Hon'ble High Court of Madras and sought two weeks' time. The Commission directed the petitioner to pursue action either in High Court or in the Commission.

4. Hearing held on 19-11-2019:-

During the hearing held on 19-11-2019, the counsel for the petitioner submitted that the Contempt Petition No. 445 of 2019 filed by him against TANGEDCO on the same subject matter is likely to be taken up by the Hon'ble High Court on 20-11-2019 and hence sought time.

5. Hearing held on 21-07-2020:-

During the hearing held on 21-07-2020, the petitioner is directed to file an affidavit specifying the need to keep this case pending by the Commission after the Writ Petition with the same prayer was finally disposed of by the Hon'ble High Court.

6. Hearing held on 15-09-2020:-

During the hearing held on 15-09-2020, the counsel for the petitioner prayed that the proceedings may be deferred as a Writ Petition bearing No. 4178/2019 is pending in the same subject matter. A Memo was also filed by the petitioner.

7. Hearing held on 16-03-2021:-

During the hearing held on 16-03-2021, the Standing Counsel for TANGEDCO appeared and prayed to close the petition since the TANGEDCO has gone for Writ Appeal and the counsel for the petitioner sought liberty to file a separate petition in this matter.

The Commission upon perusing the records and after hearing the submission of both parties passes the following:-

ORDER

The petition is closed with liberty to file a fresh petition, if necessary.

(Sd.....)
(K.Venkatasamy)
Member (Legal)

(Sd.....)
(M.Chandrasekar)
Chairman

/True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission