

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

COURT-II

**APPEAL NO.163 OF 2019 &
IA NOS.658, 657 & 659 OF 2019**

AND

**APPEAL NO.164 OF 2019 &
IA NOS.650 & 1655 OF 2019**

AND

**APPEAL NO.328 OF 2019 &
IA NOS.1608 & 1609 OF 2019 & IA NO.406 OF 2020**

Dated: **19.05.2022**

Present: **Hon'ble Mr. Justice R.K. Gauba, Officiating Chairperson
Hon'ble Mr. Sandesh Kumar Sharma, Technical Member**

In the matter of:

**APPEAL NO.163 OF 2019 &
IA NOS.658, 657 & 659 OF 2019**

Tamil Nadu Newsprint and Papers Ltd. Appellant(s)
Versus

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

Counsel for the Appellant (s) : Mr. Amal Nair

Counsel for the Respondent (s) : Ms. Anusha Nagarajan
Mr. Rahul Ranjan for R-2

**APPEAL NO.164 OF 2019 &
IA NOS.650 & 1655 OF 2019**

Chemplast Sanmar Ltd Appellant(s)
Versus

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

Counsel for the Appellant (s) : Mr. Amal Nair

Counsel for the Respondent (s) : Ms. Anusha Nagarajan
Mr. Rahul Ranjan for R-2

**APPEAL NO.328 OF 2019 &
IA NOS.1608 & 1609 OF 2019 & IA NO.406 OF 2020**

Rajshree Sugars and Chemicals Ltd.

.... Appellant(s)

Versus

**Tamil Nadu Electricity Regulatory Commission &
Anr.**

.... Respondent(s)

Counsel for the Appellant (s) : Mr. Amal Nair

Counsel for the Respondent (s) : Ms. Anusha Nagarajan
Mr. Rahul Ranjan for R-2

ORDER

These matters have been taken up by video conference mode on account of pandemic conditions, it being not advisable to hold physical hearing.

IA NO.657 OF 2019

[Application for exemption from filing certified copy of impugned order]

The application filed by the applicant/appellant for exemption from filing certified copy of impugned order is declined. The certified copy of the impugned order must be filed within two weeks. The application is disposed of.

IA NO.658, 650, 1655 & 1608 OF 2019 & 406 OF 2020

[Applications for interim relief]

This batch of appeals raises common questions of law vis-à-vis same impugned order. It is pointed out that in similarly placed Appeal no.310 of 2019 Ponni Sugars (Erode) Limited Vs. Tamil Nadu Electricity Regulatory Commission & Anr., the co-ordinate bench by its order dated 11.09.2019 had inter alia observed and directed as:-

“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 three weeks' time i.e. on or before 03.10.2019 with advance copy to the other side.

List the matter on 14.10.2019”.

In the given facts and circumstances, we feel it just and proper to adopt and make the above directions as the interim order to inure for the pendency of all these appeals. The captioned applications are disposed of with these observations.

IA NO.659 & 1609 OF 2019

[Applications for directions]

The exemption from impleadment of other such generators who had participated in hearing before the Commission leading to the impugned order being passed, but had common cause with the Appellant, some of them also having filed similar appeals, is granted. Applications are disposed of.

APPEAL NO.163 OF 2019

APPEAL NO.164 OF 2019

AND

APPEAL NO.328 OF 2019

We are informed that the pleadings are complete in the matters.

Admit.

Upon request and with the consent of the parties, we direct these appeals be included in the “*List of Priority Hearings*” to be taken up in their turn from there.

The written submissions must be filed well in advance before the appeal is taken up for hearing.

(Sandesh Kumar Sharma)
Technical Member

(Justice R.K. Gauba)
Officiating Chairperson

vt/tp