

TAMIL NADU ELECTRICITY REGULATORY COMMISSION

Order of the Commission dated this the 11th Day of March 2025

PRESENT:

Thiru.K.Venkatesan

.... Member

and

Thiru.B.Mohan

.... Member (Legal)

M.P. No. 54 of 2024

Tamil Nadu Power Distribution Corporation Ltd.,(TNPDCCL)
N.P.K.R.R. Malaigai
144 Anna Salai,
Chennai – 600 002.

... Petitioner
(Thiru.N.Kumanan &
Thiru.A.P.Venkatachalapathy
Standing Counsel for TNPDCCL)

This Miscellaneous Petition Coming for final hearing on 17-12-2024 in the presence of Tvl. N.Kumanan, & A.P.Venkatachalapathy Standing Counsel for the Petitioner and on consideration of the submission made by the Counsel for the Petitioner, this Commission passes the following:

This Miscellaneous Petition stands preferred by the Petitioner, Tamil Nadu Power Distribution Corporation Limited., with a prayer “to grant six weeks time extension for filing True-up of ARR for FY 2023-24 along with Mid Term review Petition for the remaining control period”.

ORDER

1. Contentions of the Petitioner:-

1.1. The Miscellaneous Petition is filed seeking six weeks time extension for filing petition for True-up of ARR for FY 2023-24 along with Mid Term review Petition.

1.2. The petitioner, TNPDC, contends that as per section 62 of the Electricity Act, 2003 Tamil Nadu Electricity Regulatory Commission is the competent authority to determine tariff for all categories of consumers.

1.3. TNPDC contends that as per Regulation (3) of the TNERC (Terms and Conditions for Determination of Tariff for Transmission/Distribution of Electricity under MYT framework) Regulations, 2009:

"(3) Multi year Tariff framework:

(1) Control period

The control period under the MYT frame work shall be for a duration of 5 years, and as may be extended by the Commission. During the Control period, if required, the Commission shall undertake Mid-term Review for modification in the approval for remaining Control period based on True-up and/or actual performance."

1.4. The petitioner contends that the Commission has approved the Multi Year Tariff for the control period from FY 2022-23 to FY 2026-27 vide T.O.No.7 of 2022 dt.09.09.2022.

1.5. The petitioner also contends that the due date to file ARR and Tariff petition as per clause 5(1) of Tariff Regulations falls on 30th November of each year.

1.6. TNPDCCL avers that GoTN has issued G.O.(Ms) No.6 Energy (B2) department dated.24.01.2024 and G.O.(Ms) No.7 Energy (B2) department dt.24.01.2024 for restructuring and trifurcation of TANGEDCO into three companies as TNPGL (Tamil Nadu Power Generation Corporation Ltd). TNGECL (Tamil Nadu Green Energy Corporation Ltd) and TNPDCCL (Tamil Nadu Power Distribution Corporation Ltd). The petitioner also stated that in the G.O.(Ms) No.32 Energy (B2) department dt.06.03.2024 Government of Tamil Nadu notified the transfer of assets and liabilities to all three companies.

1.7. TNPDCCL also contends that finalization of Annual Accounts for FY 2023-24 has been delayed due to bifurcation of TANGEDCO and they obtained time extension till December 2024 for filing the Annual Accounts to Ministry of Corporate Affairs, GOI.

1.8. Based on the above referred pleadings, the petitioner, TNPDCCL, prayed the Commission to grant six weeks time extension for filing petition for True-up of ARR for FY 2023-24 along with Mid Term review Petition for the remaining control period

2. Findings of the Commission:

2.1. The Commission has carefully gone through the submissions made in the petition and the affidavit filed by the Petitioner Tamil Nadu Power Distribution Corporation Limited (TNPDCCL).

2.2. The petitioner has come forward with the present petition M.P.No.54 of 2024 with the prayer to grant six weeks time extension for filing petition for True-up of ARR for FY 2023-24 along with Mid Term review Petition for the remaining control period.

2.3.The Regulation (3) of the TNERC (Terms and Conditions for Determination of Tariff for Transmission/Distribution of Electricity under MYT framework) Regulations, 2009 read as follows :-

"(3) Multi year Tariff framework:

(1) Control period

The control period under the MYT frame work shall be for a duration of 5 years, and as may be extended by the Commission. During the Control period, if required, the Commission shall undertake Mid-term Review for modification in the approval for remaining Control period based on True-up and/or actual performance."

2.4. The due date to file ARR and Tariff petition as per clause 5(1) of Tariff Regulations falls on 30th November of each year.

2.5. TANGEDCO has been restructured and trifurcated as TNPGL (Tamil Nadu Power Generation Corporation Ltd), vide the GoTN's G.O.(Ms) No.6 Energy (B2) department dt.24.01.2024, TNGECL (Tamil Nadu Green Energy Corporation Ltd) and TNPDC (Tamil Nadu Power Distribution Corporation Ltd) and G.O.(Ms) No.7 Energy (B2) department dt.24.01.2024. Also Government of Tamil Nadu has notified the transfer of assets and liabilities to all three companies vide the G.O.(Ms) No.32

Energy (B2) department dt.06.03.2024. This Commission has judicial notice of the same.

2.6. According to the petitioner due to trifurcation of TANGEDCO, finalization of Annual Accounts for FY 2023-2024 of the petitioner, TNPDCCL has been delayed and as a sequel they obtained time extension till December 2024 for filing the Annual Accounts to Ministry of Corporate Affairs, Government of India and as such there is delay in filing the True-up petition. Contending so the petitioner, TNPDCCL, prayed the Commission to grant six weeks time extension for filing petition for True-up of ARR for FY 2023-24 along with Mid Term review Petition for the remaining control period.

2.7. Having considered the above submission made by the counsel for the petitioner, this Commission decides that the delay caused is neither deliberate nor wanton but beyond the control of the petitioner. However since the period for which time extension sought for by the petitioner had already expired by efflux of time, it is apparent that nothing survives calling for decision by this Commission.

2.8. In the result this petition is dismissed as infructuous.

(Sd.....)
Member (Legal)

(Sd.....)
Member

/True Copy /

**Secretary
Tamil Nadu Electricity
Regulatory Commission**