

**BEFORE THE APPELLATE TRIBUNAL FOR ELECTRICITY  
Appellate Jurisdiction, New Delhi**

**Interlocutory Application No. 148 of 2007  
in AFR No. 497 of 2007**

*Dated this 08<sup>th</sup> day of May, 2008*

**Coram: Hon'ble Mr. H. L. Bajaj, Technical Member  
Hon'ble Mrs. Justice Manju Goel, Judicial Member**

**IN THE MATTER OF:**

**Tamil Nadu Electricity Board**

800, Anna Salai,  
Chennai – 600 002.

...applicant(s)/appellant

Versus

**1. Tamil Nadu Electricity Regulatory Commission**

No. 17, Third Main Road,  
Seethamal Colony,  
Alwarpet,  
Chennai – 600 018.

**2. Netaji Apparel Park**

62, Appachi Nagar Main Road,  
508, Kongu Nagar,  
Tirupur – 641 607.

**3. Palladam Hi-Tech Weaving Park**

SF No. 337/1A, SAB Complex,  
No.164, Trichy Road,  
Palladam – 641 664  
Coimbatore Distt.

Tamil Nadu.

**4. Tirupur Export Knitwear Industrial Complex**

TEA Nagar,  
Tirupur – 641 606.

... Respondents

Counsel for the applicant : Mr. Ramji Srinivasan, Sr. Adv.  
Ms. Mandakini Singh  
Mr. Harsh Kaushik

Counsel for the respondents : Mr. Jayanth Muthraj  
Mr. N. R. Shanker for Resp.  
Nos. 2 & 4  
Mr. V. Renga Pasityan  
Mr. K. G. Raju for Resp. No.3

**ORDER**

This is an application for condonation of delay in presenting the appeal. The appeal is preferred against the order dated 06.02.07 passed in Review Petition No. 4 of 2006 titled Tamil Nadu Electricity Board Vs. Netaji Apparel Park & Others by the Tamil Nadu Electricity Regulatory Commission (the commission for short). The appellant in this application submits that there has been an unintentional delay as the local counsel did not apply for a certified copy as was expected by the appellant and subsequently a certified copy was applied for and obtained on 14.03.07. It is further stated that the office of the counsel was shifted around that time which also caused some loss of time. The appeal is presented on 27.04.07

and was re-filed on 21.08.07. The initial delay in presenting the appeal was of 36 days. The delay in re-filing is attributed to the shifting of the lawyer's office.

We have heard the counsel for both the sides. The respondents dispute the sufficiency of the cause for delay. However, the basic thrust for opposition for application for condonation of delay has been that the appeal has become infructuous in view of certain decisions rendered by this Tribunal and also because the impugned order has already been implemented. This takes us to the facts in the appeal. The appellant is an Electricity Board and is responsible for distribution of energy for the area in which the respondents are situated. The respondents Netaji Apparel Park, Palladum Hit-Tech Weaving Park and Tirupur Export Knitwear Industrial Complex are groups of manufacturers. They applied for a single HT connection for their respective areas in which they had grouped themselves intending to take LT connections to individual manufacturers ends from the common HT supply. This was opposed by the appellant. The Commission vide an order dated 20.03.06 granted them the benefit of single point HT supply. The appellant filed a Review Petition contending that this relief would be opposed to the relevant rules. The review petition was dismissed vide the impugned order. On 23.04.08, Mr. Ramji Srinivasan, Sr. counsel appearing for the

appellant/applicant stated that single point HT connection to Netaji Apparel Park and Palladum Hi-Tech Weaving park had already been ordered whereas Tirupur Export Knitwear Industrial Complex was required to make some payment of certain outstanding dues in order to get similar connections to be activated. Mr. Srinivasan, submits that the appellant had no option but to comply with the orders of the Commission and therefore, the appellant proceeded to comply with the order without prejudice to its pleas in the appeal.

The initial delay in filing the appeal has not been too long. Having heard Mr. Ramji Srinivasan, Mr. Jayanth Muthraj and Mr. Renga Pasityan, we feel that there is a substantial question to be gone into the matter. The appellant claims that the rules would require the three groups of manufacturers to obtain distribution license before they can undertake the function of distribution after having obtained HT supply at a common point. The previous decision of this Tribunal in the case of A.No. 32 of 2007 – *Malwa Industries Ltd. Vs. Punjab State Electricity Regulatory Commission* and in the case of *Universal Cables Ltd. & Another Vs. Madhya Pradesh State Electricity Regulatory Commission & Another* in Appeal No. 20 & 77 of 2007 did not deal with a situation which is entirely similar to the situation in the present case. The two decisions, mentioned above, were decisions on the right of a captive power plant to supply energy to other consumers. The question

here is, however, as to whether a group of consumers can obtain a common HT connection and distribute among themselves LT supply out of common connection according to the Rules and Regulations and further whether the Review Petition could be rightly dismissed vide the impugned order. In view of the fact that a substantial question is required to be gone into we feel it appropriate to condone the delay and to entertain the appeal. Hence the Interlocutory Application is allowed.

Pronounced in open court on this ***08<sup>th</sup> day of May, 2008.***

**( Justice Manju Goel )**  
**Judicial Member**

**( H. L. Bajaj )**  
**Technical Member**

Registry: The appeal be registered and numbered.