

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram:

1. Dr. Pramod Deo, Chairperson
2. Shri R.Krishnamoorthy, Member
3. Shri S.Jayaraman, Member

**Petition No.137/2008
(Suo-motu)**

In the matter of

Maintenance of Grid Discipline—Compliance of provisions of the Indian Electricity Grid Code.

And in the matter of

1. Tamil Nadu Electricity Board, Chennai
2. Shri S. Machendranathan, Chairman, (Formerly)
Tamil Nadu Electricity Board, Chennai

Respondents

The following was present

Shri P. Soma Sundram, Advocate

**ORDER
(Date of Hearing: 12.2.2009)**

In view of the non-compliance by the first respondent of the provisions of the Indian Electricity Grid Code specified by the Commission in exercise of its powers under clause (h) of sub-section (1) of Section 79 read with Section 178 of the Electricity Act, 2003 (the Act), a show cause notice dated 18.11.2008 was issued to the first respondent, under Section 142 of the Act. Subsequently, by order dated 24.11.2008, show cause notice under Section 149 of the Act was also issued to the second respondent who was in-charge and the person responsible for conduct of business of the first respondent. On consideration of the reply filed by the first respondent, the charge was found to be established. Accordingly, by order dated 31.12.2008, penalty of Rs. one lakh was imposed on the first respondent. The amount

of penalty has been deposited by the first respondent. Therefore, as regards the first respondent, the matter stands concluded.

2. So far as the second respondent is concerned, there was no formal reply on record from him. Therefore, by the order dated 31.12.2008, a fresh notice was issued to the second respondent to show cause as to why he should not be held guilty and penalty under Section 149 of the Act be not imposed on him. He was also directed to be present before the Commission at the next date of hearing, that is, on 22.1.2009. He was directed to be served through the present Chairman of the first respondent since in the meanwhile the second respondent was reported to have been transferred to another assignment. On 22.1.2009 the second respondent did not present himself. Ms. S. Phebe Beryul, Chief Engineer in the office of the first respondent appeared and informed that the notice could not be served on the second respondent on account of some misunderstanding. She undertook to inform the second respondent of the Commission's directions. In that view, hearing was adjourned to 12.2.2009. The first respondent by its letter dated 3.2.2009 has confirmed that the Commission's order dated 31.12.2008 was handed over to the second respondent. A copy of the record of proceedings for the hearing held on 22.1.2009 was also sent to the respondents.

3. Shri P. Soma Sundram, Advocate appearing on behalf of the second respondent sought adjournment for two weeks, stating that he received instructions very late. He, however, could not explain the absence of the second respondent.

4. We consider it appropriate to give another opportunity to the second respondent for personal appearance before taking a view on his guilt or otherwise and also on penalty, if found guilty. We, therefore, direct that he should present himself at the next date. This also takes care of the request for adjournment made by learned counsel. Copy of this order meant for the second respondent shall be sent to the Chairman of the first respondent who shall hand over to the second respondent and send a confirmation to the Commission to that effect.

5. List this petition for further directions on 12.3.2009.

sd/-

(S. JAYARAMAN)
MEMBER

New Delhi, dated 13th February 2009

sd/-

(R. KRISHNAMOORTHY)
MEMBER

sd/-

(DR. PRAMOD DEO)
CHAIRPERSON