

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

PRESENT:-

Thiru S. Akshayakumar

.... Chairman

and

Thiru.G.Rajagopal

.... Member

P.P.A.P. No.3 of 2014

Tamil Nadu Generation and Distribution
Corporation Ltd.
(Represented by its Chairman Cum
Managing Director)
No.144, Anna Salai
Chennai – 600 002.

... Petitioner
(Thiru P.H.Vinod Pandian,
Standing Counsel for TANGEDCO)

Vs

1. M/s. D.B. Power Limited
3rd Floor, Express Tower
Nariman Point
Mumbai – 400 021.
2. M/s.Jindal Power Ltd.
6th Floor, NTNL Building
8, Bhikaji Cama Place
New Delhi – 110 066.
3. M/s.Ind-Barath Energy (Utkal) Ltd.
Plot No.30A, Road No.1
Film Nagar, Jubilee Hills
Hyderabad – 500 033.
4. M/s.Bharat Aluminium Company Limited
Balco Nagar
Korba – 495 684.
5. M/s.Dhariwal Infrastructure Limited
CESC House, Chowringhee Square
Kolkatta – 700 001.

6. M/s. PTC India Limited
2nd Floor, NBCC Tower
15, Bhikaji Cama Place
New Delhi – 110 066.
7. KSK Mahanadi Power Company Ltd.
8-2-293/82/A/431/A, Road 22
Jubilee Hills, Hyderabad – 500 033.
8. M/s. GMR Energy Trading Ltd.
GMR Group, 1BC Knowledge Park, Phase 2
D Block, 9th Floor, 4/1, Bannerghatta Road
Bangalore – 560 029.
9. M/s.IL & FS Tamil Nadu Power Company Ltd.
B-Block, Navin's Presidium, 4th Floor
103, Nelson Manickam Road
Aminjikarai
Chennai – 600 029.
10. M/s. Coastal Energen private Ltd.
7th Floor, Buhari Towers
No.4, Moores Road
Chennai – 6
11. M/s.OPG Power Generation Pvt. Ltd.
No.6, Sardar Patel Road
Guindy
Chennai – 600 032.

....Respondents

Dates of hearing : 17-03-2014, 29-04-2014, 14-07-2014
30-07-2014, 15-09-2014 and
23-02-2016

Date of order : 29-07-2016

The above P.P.A.P.No.3 of 2014 came up for final hearing before the Commission on 23-02-2016. The Commission upon perusing the above petition and the connected records and after hearing both sides passes the following order:-

ORDER

1. Prayer of the Petitioner:-

The prayer of the petitioner is to

- (a) Condone the delay in the process of tender undertaken by the Petitioner under Case 1 bidding (Tender No.03/PPLT/2011) which exceeded by 170 days over and above the prescribed period of 195 days as stipulated in Clause 5.19 read with Annexure 2 of the guidelines for determination of tariff by bidding process for procurement of power by distribution licensees ; and
- (b) Adopt levelised tariff of Rs.4.91 per kWhr for purchase of 3330 MW base load power as below as agreed by the Petitioner and the Respondents in Power Purchase Agreements in terms of section 63 of the Electricity Act, 2003.

Sl. No.	Name of the bidding companies	Quantum in MW
1	M/s.Bharat Aluminium Company Ltd.	200
2	M/s.Coastal Energen Power Ltd.	558
3	M/s.D.B.Power Ltd.	208
4	M/s.Dhariwal Infrastructure Ltd	100
5	M/s.G.M.R. Energy Trading Ltd.	150
6	M/s.Ind Bharath Energy (Utkal) Ltd.	500
7	M/s.Jindal Power Ltd.	400
8	M/s.KSK Mahanadi Power Company Ltd.	500
9	M/s.OPG Power Gen Pvt. Ltd.	74
10	M/s.PTC India Ltd.	100
11	M/s.IL & FS Tamil Nadu Power Company Ltd.	540
	TOTAL	3330

2. Facts of the case:-

TANGEDCO, the Petitioner proposes to purchase 3330 MW of power from Nine (9) Private Power Producers and two (2) Power Traders under Case I bidding at a levelised tariff of Rs.4.91 per kWhr by entering into P.P.A. with those Generators for a period of fifteen years. The Petitioner filed M.P. No.37 of 2012 before the Commission on 09-10-2012 requesting approval for certain deviations from the Standard Bid Documents for procurement of 1000 MW \pm 20% RTC power for a period of 15 years from 2013 under long term. The Commission vide order dated

18-12-2012 accorded approval to float tender for procurement of 1000 ± 20% with the deviations stated therein. In M.P.No.27 of 2013 TANGEDCO prayed for approval of 2122 M.W being the balance power required out of the estimated demand of power for Tamil Nadu as per CEA intimation. The Commission acceded to the said prayer vide order dated 18-10-2013. Present petition interalia seeks approval for the levelised tariff of Rs.4.91 per kWhr as discussed in the Tender No.03/PPLT/2011.

3. Submission of the Petitioner in the P.P.A.P.:-

3.1. Section 63 of the Electricity Act, 2003 states that notwithstanding anything contained in section 62, the appropriate Commission shall adopt the tariff if such tariff has been determined through transparent process of bidding in accordance with the guidelines issued by the Central Government. Clause 6.4 of the guidelines states that the signed PPA along with the certification / certificates provided by the evaluation committee and by the procurer as provided in clause 6.2 shall be forwarded to the appropriate Commission for adoption of tariffs in terms of section 63 of the Act.

3.2. Clause 5.19 of the guidelines states that in the single stage bid process a minimum period of 75 days shall be allowed between the issuance of RFP documents and the last date of bid submission. In normal circumstances the bid process is likely to be completed in a period of 120 days. The procurer may give extended time frame over and above the time specified. However, if the bidding process is likely to take more than 195 days, approval of the appropriate Commission shall be obtained in accordance with clause 5.16 of guidelines of Central Government.

3.3. Clause 5.16 of the guidelines states that in case there is any deviation from the guidelines, the same shall be with the prior approval of the appropriate Commission. The appropriate Commission shall decide on the modifications to the bid documents within a reasonable time not exceeding 90 days.

3.4. The Board of TANGEDCO in the 29th meeting held on 27-09-2012, approved the proposal of procurement of 1000 MW \pm 20% each RTC power by floating two tenders with two different delivery dates to meet the base load demand throughout the year under Case-I bidding for a period of 15 years, as per Ministry of Power / Government of India guidelines.

3.5. Miscellaneous Petition M.P. No.37 of 2012 was filed before the Commission on 09-10-2012 requesting approval for certain deviations proposed from the Standard Bid Documents for procurement of 1000 MW \pm 20% RTC power for a period of 15 years from 2013 under long term. The Commission vide order dated 18-12-2012 accorded approval to float tender for procurement of 1000 \pm 20% with the following deviations:-

- a) Deviations in payment mechanism with the provision of direct payment and standby LC / Bank Guarantee instead of LC and Escrow mechanism.
- b) Option to decide the scheduled delivery date which shall not be less than five months instead of four years from the effective date.
- c) Failure to start supply even after expiry of six months instead of twelve months, may be considered as seller's event of default and to apply provisions of Article 11.
- d) Net worth should be equal to or greater than the value calculated at the rate of Rs.0.50 crore per MW of capacity offered by the bidder on date of opening of the tender.

3.6. TANGEDCO floated tender on 21-12-2012 to procure 1000 MW \pm 20% RTC power on long term under Case I bidding procedure for meeting the base load requirement of TANGEDCO for a period of fifteen years i.e. from 01-10-2013 to 30-09-2028.

The time schedule for completion of the bidding process is as follows:

Event	Original Schedule	Actual Schedule
Date of issue of RFP	21-12-2012 (T0)	21-12-2012 (T0)
Submission of Written clarification / amendments if any, on the RFP documents by the bidders	05-01-2013 (T0 + 15)	05-01-2013 (T0 + 15)
Pre-Bid Meeting(s) (if required)	11-01-2013	11-01-2013
Revision of RFP documents (if required) and issuance of revised RFP documents	21-01-2013 (T0 + 30)	21-01-2013 (T0 + 30)
Bid submission and opening of Non-Financial Bid	06-03-2013 (T0 + 75)	06-03-2013 (T0 + 75)
Opening of Financial Bid of qualified bidders	21-03-2013 (T0 + 90)	07-05-2013 (T0 + 137)
Short listing of successful bidder(s) and issue of LOI	01-04-2013 (T0 + 100)	18-07-2013 & 14-11-2013 (T0 + 209)
Signing of PPA documents	20-04-2013 (T0 + 120)	08,19, 23-08-2013, 27-11-2013 and 10,12,18,19, 2012-2013 (T0 + 365)

3.7. Memorandum of Petition was filed on 23-01-2013 before the Commission to intimate TANGEDCO remarks for written clarification / amendment submitted by bidders.

3.8. As per Clause 5.9 of the guidelines, TANGEDCO constituted bid evaluation committee comprising the following members:-

Sl. No.	Name	Designation
1	K.Seshadri	Chief Engineer / Private Power Projects
2	S.Arulsamy	Chief Financial Controller / TANGEDCO
3	R.Kaliyamoorthy	Retired General Manager, TNSC Bank (External Member)

3.9. 12 Nos. Non-Financial bids (Envelope-I) were received from the following bidding companies and same were opened on 06-03-2013 at 14.30 hours in the presence of the bidders / authorized representatives and the bid evaluation committee has evaluated the same. The details of bids are as follows:-

Sl. No.	Name of the bidding companies	Details	Offered Quantum
1	M/s.Bharat Aluminium Company Ltd., Korba	Generator	200 MW
2	M/s.Coastal Energen Power Ltd., Tuticorin	Generator	600 MW but limited to 558 MW
3	M/s.D.B.Power Ltd., Chattisgarh	Generator	208 MW
4	M/s.Dhariwal Infrastructure Ltd., Maharashtra	Generator	100 MW
5	M/s.G.M.R. Energy Trading Ltd., Bangalore	Trader	150 MW
6	M/s.Ind Bharath Energy (Utkal) Ltd., Hyderabad	Generator	500 MW
7	M/s.Jindal Power Ltd., New Delhi	Generator	400 MW
8	M/s.KSK Mahanadi Power Company Ltd., Hyderabad.	Generator	500 MW
9	M/s.OPG Power Gen Pvt. Ltd., Chennai	Generator	74 MW
10	M/s.PTC India Ltd., New Delhi	Trader	100 MW
11	M/s.Simhapuri Energy Ltd., Hyderabad	Generator	100 MW
12	M/s.IL & FS Tamil Nadu Power Company Ltd., Chennai	Generator	540 MW

3.10. The Non-Financial Bid Evaluation Committee meeting held on 18-04-2013, recommended for opening of financial bids of the above twelve bidders who met the qualification requirements. The financial bids of the twelve bidders were opened on 07-05-2013.

3.11. The levelized tariff was calculated for all bidders by applying the Escalation factor and discount factor notified by CERC applicable on the day which is seven days prior to bid deadline (06-03-2013).

Sl. No.	Name of the bidding companies	Quantum in MW	Actual Levelized Tariff in Rs./kWhr	Rank
1	M/s.DB Power Ltd.	208 MW	4.910	L1
2	M/s.Jindal	400 MW	4.936	L2
3	M/s. Ind Barath	500 MW	4.952	L3
4	M/s.BALCO	200 MW	5.063	L4
5	M/s.Dhariwal	100 MW	5.249	L5
6	M/s.PTC	100 MW	5.366	L6
7	M/s.KSK	500 MW	5.486	L7
8	M/s.GMR	150 MW	5.681	L8
9	M/s.IL & FS	540 MW	6.134	L9
10	M/s.Coastal	558 MW	6.182	L10
11	M/s.OPG	74 MW	7.502	L11
12	M/s.Simhapuri	100 MW	9.848	L12

3.12. The Financial Bid Evaluation Committee after meeting held on 18-05-2013 recommended that as per Clause 6.2 of MOP guidelines, the above twelve bids have been evaluated correctly and the levelized tariff tabulated above are found to be correct and the bid process and evaluation conform to the provisions of the RFP document dated 21-12-2012.

3.13. Negotiation was held with successful bidder (L1) M/s.DB Power Ltd. on 04-06-2013 and 05-06-2013. Finally L1 bidder has not agreed to reduce the tariff but offered an additional rebate as detailed below:-

“An additional rebate of Rs.0.02/Unit of scheduled energy as per the provisional bill payable in the first five contract years starting from scheduled delivery date, provided 100% of the provisional bill is credited to seller’s account within five days from the date of issuance of provisional bill”.

Thereafter negotiation was made with bidder L2 to L4 and they have accepted to match the levelized tariff of L1 bidder i.e. Rs.4.910 per kWhr along with additional rebate as offered by M/s.DB Power Ltd.

3.14. The details of power purchase made under Short term by TANGEDCO since April 2012 is as detailed below which would go to show the Power Market Trend.

Sl. No.	Month	Average Rate (Interstate) of Power Rs./kWhr)	Average Rate (Intra State) of Power Rs./kWhr)	Average Rate (Exchange) of Power (Rs./kWhr)
1	April 2012	4.19	5.05	6.15
2	May 2012	3.97	5.05	3.80
3	June 2012	4.21	5.05	4.95
4	July 2012	4.08	5.50	4.20
5	August 2012	4.10	5.50	4.30
6	September 2012	4.13	5.50	6.17
7	October 2012	4.60	5.50	6.29
8	November 2012	4.53	5.50	5.88
9	December 2012	4.81	5.50	5.88
10	January 2013	5.55	5.50	5.89
11	February 2013	4.94	5.50	5.41
12	March 2013	8.35	5.50	7.78
13	April 2013	8.35	5.50	7.74
14	May 2013	4.57	-----	6.79

3.15. The details of provisional tariff approved by CERC for Vallur Thermal Power Station, Unit-I (500 MW) for the year 2012-13 is arrived as below:-

Sl. No.	Parameters	Values
A	Operational Parameters	
	Capacity	500 MW
	Plant Load Factor	85%
	Auxiliary Consumption	6.5%
B	Capacity Charge/Unit	Rs.2.30/Unit
C	Energy Charge/Unit	Rs.2.62/Unit
D	Total Tariff/Unit	Rs.4.92/Unit

On comparison, the present levelized tariff of Rs.4.910/kWhr quoted by L1 bidder M/s.DB Power Ltd. is considered reasonable.

3.16. The present tender No.03/PPLT/2012 has been called for supply of 1000 ± 20% MW power for a period of fifteen years. The details of reaching the TNERC approved quantum is furnished below:-

Sl. No.	Name of the Company	Offered Quantum in MW	Original Levelized Tariff in Rs./kWhr	Rank	Revised Levelised Tariff in Rs./kWhr
1.	M/s.DB Power Ltd.	208	4.910	L1	4.910
2.	M/s.Jindal	400	4.936	L2	4.910
3.	M/s.Ind Bharath	500	4.952	L3	4.910
4.	M/s.BALCO*	200 limited to 100 MW	5.063	L4	4.910
Total		1208 MW			

*In format 4.10, M/s.BALCO has requested to contract the total offered capacity or combination of fraction of the offered total capacity (100 + 100 MW).

3.17. Even after accounting for 1208 MW as contracted above, there will be still deficit. The availability, demand and deficit are furnished below to procure additional quantum of power offered in the Tender No.03/PPLT/2012.

Available capacity in TANGEDCO:

a. Thermal – 12 Units

Mettur Thermal Power Station – 4 x 210 MW	:	840 MW
North Chennai Thermal Power Station–3 x 210 MW	:	630 MW
Tuticorin Thermal Power Station – 5 x 210 MW	:	1050 MW
Total		:2520 MW

b. Gas – 3 Units

Koilkalappal	:	107.88 MW
Kuttalam	:	101 MW
Vazhudur Stage-I	:	95 MW
Vazhudur Stage - II	:	92 MW
Total	:	395.88 MW or say 396 MW

c. IPP -3 Units

STCMS	:	250 MW	Long Term
ABAN	:	120 MW	Long Term
Penna	:	71.6 MW	Long Term
Total	:	441.6 MW or say 442 MW	

d. CGS Share : 3159 MW

Total available capacity: 2520 + 396 + 442 + 3159 = 6517 MW

New Additions:

1	Mettur – 1 Unit	:	600 MW
2	NCTPS – 1 & 2 Units	:	1200 MW
3	JV Vallur – 3 Units	:	1041 MW
	Total	:	2841 MW

Expected additions upto 31-03-2014:

1	NLC – TNEB JV at Tuticorin	:	387 MW
2	NLC – TS – II – 2* 250 MW – TNEB share	:	230 MW
3	Kudankulam Atomic Power Station Unit 1 & 2	:	925 MW
	Total	:	1542 MW

Thus, the available capacity including the new and expected additions will be 10900 MW only whereas the forecasted peak demand for the year 2013-14 is 15,736 MW as per 18th EPS survey of CEA.

CEA has estimated the power supply demand of Tamil Nadu as below:

Year	Demand
2013-14	15736 MW
2014-15	17497 MW
2015-16	19489 MW
2016-17	20816 MW

The Petitioner's proposed projects, namely, Ennore Expansion (660 MW), Ennore SEZ (2 x 660 MW), and Udangudi (2 x 660 MW) totaling 3300 MW will materialize only in 2017-18.

3.18. Considering the availability of power and power demand in Tamil Nadu, the Petitioner proposed to procure the balance offered quantum of 2222 MW (3430-1208 MW) from the total offered quantum of 3430 MW in Tender No.03/PPLT/2012 after negotiating with the remaining bidders listed below and requesting them to match with L1 levelized tariff and additional rebate offer on prompt payment in anticipation of approval from the Commission.

Sl. No.	Name of the Company	Offered Quantum in MW	Levelised Tariff in Rs./kWhr	Rank
1	M/s.BALCO	Balance 100 MW	5.063	L4
2	M/s.Dhariwal	100 MW	5.249	L5
3	M/s.PTC	100 MW	5.366	L6
4	M/s.KSK	500 MW	5.486	L7
5	M/s.GMR	150 MW	5.681	L8
6	M/s.IL & FS	540 MW	6.134	L9
7	M/s.Coastal	558 MW	6.182	L10
8	M/s.OPG	74 MW	7.502	L11
9	M/s.Simhapuri	100 MW	9.848	L12
	TOTAL	2222 MW		

In view of the above, negotiation for rate matching was called for from the above listed nine bidders, subject to the approval of Board of TANGEDCO and the Commission. Accordingly, TANGEDCO called for negotiation with the remaining

tenderers and all of them except M/s.Simhapuri matched the levelized tariff of Rs.4.910 / kWhr and accepted to offer an additional rebate on payment against provisional bill raised as per Article 8.3.6 (a) of the Power Purchase Agreement.

3.19. The Board of Directors of TANGEDCO in its 38th meeting held on 28-06-2013 accorded approval for the following:-

- i) To issue Letter of Intent (LOI) to successful L1 bidder M/s.D.B.Power Ltd. (208 MW), L2 bidder M/s.Jindal Power Ltd. (400 MW), L3 bidder M/s.Ind Barath Energy (Utkal) Ltd. (500 MW) and L4 bidder M/s.Bharth Aluminium Company Ltd. (100 MW restricting the quantum from the offered capacity of 200 MW) for purchase of 1208 MW RTC Power through Long term power purchase under Case –I bidding (Tender No.03/PPLT/2012) for a period of fifteen years from 01-10-2013 to 30-09-2028.
- ii) To authorize Director / Distribution to sign the PPA on behalf of TANGEDCO.
- iii) To file petition before the Commission for adoption of tariff under section 63 of the Electricity Act, 2003 in line with the GOI guidelines vide section No.6.4 after issue of LOI and execution of Power Purchase Agreement with L1, L2, L3 and L4 bidders.
- iv) Approval and ratification for having called for negotiation and rate matching with L1 bidder levelized tariff of Rs.4.910/kWhr from the remaining bidders for additional procurement of power for a capacity of 2222 MW as per clause 3.5.7 of RFP in anticipation of approval from the TANGEDCO's Board and the Commission.
- v) To file petition before the Commission seeking approval for purchase of balance quantum of power upto 2222 MW in Tender No.03/PPLT/2012 as per

Clause 3.5.7 of RFP if the remaining bidders from L4 to L12 match the levelized tariff of the L1 along with the additional rebate for payment offered by L1.

3.20. TANGEDCO issued a Letter of Intent each to L1 bidder M/s.D.B.Power Ltd. (208 MW), L2 bidder M/s.Jindal Power Ltd. (400 MW), L3 bidder M/s. Ind Barath Energy (Utkal) Ltd. (500 MW) and L4 bidder M/s.Bharat Aluminium Company Ltd. (100 MW restricting the quantum from the offered capacity of 200 MW). All the four bidders had accepted the Letters of Intent unconditionally. Power Purchase Agreements between TANGEDCO and M/s.D.B. Power Ltd., M/s. Jindal Power Ltd., M/s.Ind Barath Energy (Utkal) Ltd. and M/s.Bharat Aluminium Company Ltd. were signed on 19-08-2013, 23-08-2013, 08-08-2013 and 23-08-2013, respectively.

3.21. As per clause 3.5.7 of RFP any increase / decrease in the requisitioned capacity exceeding twenty percent (20%) of the quantum in clause 1.3.1 can be made only with the approval of the appropriate Commission. Therefore, TANGEDCO filed M.P.No.27 of 2013 before the Commission on 30-08-2013 seeking approval for purchase of balance offered quantum of 2122 MW (3430-1208-100 MW) from the total offered capacity of 3430 MW in Tender No.03/PPLT/2012. The Indian Wind Power Association and Tamil Nadu Spinning Mills Association had filed a petition I.A. No.1 and I.A.No.2 of 2013 on 16-09-2013 and 04-10-2013, respectively in the said M.P. praying to permit them to intervene in the proceedings and hear them on merits prior to passing any orders. The case came up for hearing on 04-10-2013 and the Commission in its order dated 18-10-2013 dismissed the I.A. No.1 and I.A. No.2 of 2013 in M.P.No.27 of 2013 and approved the procurement of balance quantum of

2122 MW in Tender No.03/PPLT/2012 floated by TANGEDCO under Case 1 bidding subject to the deviations already approved in M.P.No.37 of 2012 dated 18-12-2012.

3.22. The Board TANGEDCO in its 41st meeting held on 30-10-2013 has approved the following:-

- (i) To issue Letter of Intent (LOI) to successful L4 bidder M/s.Bharat Aluminium Company Ltd. (100 MW), L5 bidder M/s. Dhariwal Infrastructure Ltd. (100 MW), L6 Bidder M/s.PTC India Ltd. (100 MW), L7 bidder M/s.KSK Mahanadi Power Company Ltd. (500 MW), L8 bidder M/s.GMR Energy Ltd. (150 MW), L9 bidder M/s.IL&FS Tamil Nadu Power Company Ltd. (540 MW), L10 bidder M/s.Coastal Energen Pvt. Ltd. (558 MW) and L11 bidder M/s.OPG Power Generation Pvt. Ltd. (74 MW) for purchase of 2122 MW RTC Power through long term under Case-1 bidding (03/PPLT/2012) for a period of 15 years from 2013 to 2028.
- (ii) To authorize Director / Distribution to sign the PPA on behalf of TANGEDCO.
- (iii) To file petition before the Commission for adoption of tariff under section 63 of the Electricity Act, 2003 in line with the GOI guidelines vide section No.6.4 after issue of LOI and execution of Power Purchase Agreement with L4, L5, L6, L7, L8, L9, L10 and L11 bidders.

3.23. Based on the approval of the Board LOI was issued on 14-11-2013 to L4 to L11 bidder for purchase of 2122 MW RTC power through Long Term under Case-I bidding Tender No.03/PPLT/2012 for a period of 15 years from 2014 to 2028. The LOI's were accepted unconditionally by the above bidders. Power Purchase Agreement was signed between TANGEDCO and L4 to L11 bidders. M/s.Ind-Barath Energy (Utkal) Ltd. while signing the PPA on 08-08-2013 not opted for substitution

rights and on their request addendum to original PPA dated 08-08-2013 was executed on 19-12-2013. M/s.Dhariwal Infrastructure Ltd. had requested for change of injection point and interconnection point from STU to CTU. Since the bid rate remains unaltered and there will be some reduction in transmission charges due to savings in loss component, advantage to TANGEDCO an addendum to original PPA dated 08-08-2013 was executed on 20-12-2013. Signing of PPA got delayed as above which was neither willful nor wanton, the period got extended i.e. from 21-12-2012 to 20-12-2013 total 365 days against the scheduled 120 days extendable upto 195 days as per 2.8.3 of RFP.

4. Submissions of the Petitioner in response to the directions of the Commission on 29-04-2014:-

4.1. During the hearing of P.P.A.P.No.3 of 2014 on 29-04-2014, the Commission has directed TANGEDCO to furnish the following details within 2 weeks time:-

- (i) The comparative rates of similar power purchased by the other States.
- (ii) The cost of power generation in TANGEDCO's own Thermal Power Station with details of fixed and variable cost.
- (iii) Detailed justification for the cost of power purchase.

4.2. The levelised tariff discovered through competitive bidding and the results recently uploaded in public domain by other State Discoms are furnished below for comparison:

- (i) State : Rajasthan

Quantum : 1000 MW \pm 10%. Type : Long-Term / Case-I Bidding

RFP submission Date: May 28, 2012. Period of Supply : 25 years

Date of commencement of Supply : 30-11-2016.

Sl. No.	Name of the Bidder	Levelized Tariff in Rs./kWhr	Qty offered in MW
1	M/s.PTC India Ltd. (through developer M/s.Maruti Clean Coal and Power Ltd.)	4.517	250 MW
2	M/s.PTC India Ltd. (through their developer M/s.DB Power Ltd.)	4.811	410 MW
3	M/s.Lanco Power Limited (Generation Source – M/s.Lanco Babandh Power Ltd.)	4.892	350 MW
	TOTAL		1010 MW

(ii) State : Uttar Pradesh

Quantum : 6000 ± 20%. Type : Long-Term / Case-I Bidding
RFP submission Date : July 27, 2012. Period of Supply: 25 years
Date of commencement of Supply: 30-10-2016.

Sl. No.	Name of the Bidder	Levelized Tariff in Rs./kWhr	Quantum offered in MW
1	M/s.PTC India Ltd. (TRN Energy Ltd.)	4.886	390 MW
2	M/s.Lanco Power Ltd. (Lanco–Babandh Power Ltd.)	5.074	423.90 MW
3	M/s.KSK Mahanadi Power Co. Ltd.	5.588	1000 MW
4	M/s.PTC India Ltd. (MB Power – Madhya Pradesh Ltd.)	5.730	361 MW
	TOTAL		2174.9 MW

4.3. Rajasthan State and Uttar Pradesh State, like TANGEDCO had floated long term tender in the year of 2012 and the levelised tariff discovered is for a period of 25 years. TANGEDCO's long term contract period is only for 15 years. Rajasthan and UP have signed agreement with quoted (differential) tariffs. TANGEDCO floated tender on 21-12-2012. All bidders except one bidder have agreed to match the lowest evaluated levelised tariff of Rs.4.91/kWhr and PPAs have been signed only with those matching the levelized tariff of Rs.4.91 / kWhr.

4.4. TANGEDCO's own Thermal Power Station fixed and Variable Cost as approved by the Commission vide Tariff Petition No.01 of 2013 dated 20-06-2013 are as follows:-

Year	Generating Station	Generation in MU	Fixed Cost in Crores	Fixed cost/ KWH in Rs.	Variable Cost/K WH in Rs.	Total Generation Cost / KWH in Rs.	Remarks
2012-13	TTPS	7620	436.30	0.5726	2.9606	3.5332	Based on Actual Energy Consumption for first control period
	MTPS	5684	287.54	0.5059	3.1085	3.6144	
	NCTPS	4634	358.57	0.7738	2.5470	3.3208	
2013-14	TTPS	7154	430.84	0.6022	2.9606	3.5628	Based on projected energy consumption for second control period
	MTPS	5992	300.28	0.5011	3.0915	3.5926	
	NCTPS	4494	359.31	0.7995	2.5470	3.3465	
	NCTPS Stage-II	5429	602.21	1.1092	2.7197	3.8289	
	Mettur Stage-III	2878	343.03	1.1919	3.1520	4.3439	
2014-15	TTPS	7154	449.25	0.6280	2.9606	3.5886	
	MTPS	5992	320.36	0.5346	3.0915	3.6261	
	NCTPS	4494	368.19	0.8193	2.5470	3.3663	
	NCTPS Stage-II	8176	1031.47	1.2616	2.6057	3.8673	
	Mettur Stage-III	4088	596.34	1.4588	3.0312	4.4900	

4.5. Power purchase through competitive bidding:

(i) **Short term rate of power:** The Commission has approved a rate of Rs.5.50 per kWhr for purchase of power under Short Term from Intra State Generators and Rs.5.00 per kWhr from Inter State Generators.

(ii) Average price of electricity discovered by IEX

Sl. No.	Month	S1 (Rs./kWhr)	S2 (Rs./kWhr)
1	May 2013	6.4734	6.473.4
2	June 2013	4.36828	4.42686
3	July 2013	4.77864	5.22743
4	August 2013	3.41129	3.5441
5	September 2013	3.88469	3.97092
6	October 2013	4.15166	5.74482
7	November 2013	3.50248	6.96974
8	December 2013	3.65064	7.04952

Sl. No.	Month	S1 (Rs./kWhr)	S2 (Rs./kWhr)
1	January 2014	4.81664	7.25229
2	February 2014	5.16415	6.95404
3	March 2014	4.83963	--
4	April 2014	6.90115	--
5	May 2014	4.35527	7.00313

**(iii) Price of electricity discovered through Power Exchanges:
(Notified by CERC)**

Minimum, Maximum and Weighted Average Prices have been computed for the electricity transacted through IEX and PXIL separately. The minimum, maximum and weighted prices were 0.05 / kWhr, 12.01/kWhr and 3.17/kWhr respectively in IEX and 1.00/kWhr, 9.00/Kwhr and 2.94/kWhr respectively in PXIL. The price of electricity transacted through IEX and PXIL in the term-ahead market was 3.82/kWhr and 3.84/kWhr respectively.

(iv) Medium term rate of power for the month of May 2014:-

Sl. No.	Name of the Supplier	Capacity Charge	Energy Charge	Total Cost
1	M/s.National Energy Trading & Services Ltd.	2.4512	2.9529	5.4040
2	M/s.Jindal Power Ltd.	2.200	2.1582	4.3582
3	M/s.Adani Enterprises Ltd	1.6900	2.9720	4.6620

Considering all the above, the levelized tariff of Rs.4.91/kWhr discovered by TANGEDCO in this tender through competitive bidding may be considered as reasonable and justified.

5. Contention of the Petitioner in the Written Submission:-

5.1. During the hearing of the case on 14-07-2014, the Commission has directed the Petitioner to furnish the Written Submission within a week time indicating the

facts explained during the arguments and also provide the likely tariff of all the suppliers, should they commence their supply now.

5.2. As per clause 3.4.4 of RFP dated 21-12-2012, the levelized tariff was calculated by applying the escalation factor and discount factor notified by CERC dated 08-10-2012.

5.3. The levelised tariff of L1 bidder M/s.D.B. Power Ltd. was Rs.4.910 / kWhr. On negotiation, M/s. DB Power Ltd. retained the original levelized tariff of Rs.4.910/kWhr but offered an additional rebate of Rs.0.02/kWhr on payment against provisional bill raised as per Article 8.3.6 (a) of the Power Purchase Agreement (for 5 contract years). Further, TANGEDCO requested remaining 11 bidders to match the L1 bidder levelised tariff of Rs.4.910 per kWhr and to submit the revised format of 4.10 with additional rebate as offered by M/s. DB Power Ltd. and all the 10 bidders except L12 bidder M/s.Simhapuri Energy Ltd. have agreed to match the L1 levelised tariff with additional rebate and submitted the revised financial bid format of 4.10.

5.4. TANGEDCO issued Letters of Intent to L1 bidder M/s.D.B Power Ltd. (208 MW), L2 bidder M/s. Jindal Power Ltd. (400 MW), L3 bidder M/s.Ind Barath Energy (Utkal) Ltd. (500 MW) and L4 bidder M/s. Bharat Aluminium Company Ltd. (100 MW restricting the quantum from the offered capacity of 200 MW) on 18-07-2013 and PPA signed on 19-08-2013, 23-08-2013, 08-08-2013 and 23-08-2013, respectively, with scheduled delivery date as 01-02-2014.

5.5. As per clause 3.5.7 of RFP, TANGEDCO filed Miscellaneous Petition M.P. No.27 of 2013 on 30-08-2013 seeking approval from the Commission for purchase of

balance offered quantum of 2122 MW (3430-1208-100 MW) from the total offered capacity of 3430 MW in Tender No.03/PPLT/2012 and the Commission vide order dated 18-10-2013 approved the additional procurement of 2122 MW power from the remaining bidders.

5.6. TANGEDCO issued Letters of Intent to other successful L4 bidder M/s.Bharat Aluminium Company Ltd. (100 MW), L5 bidder M/s.Dhariwal Infrastructure Ltd. (100 MW), L6 Bidder M/s.PTC India Ltd. (100 MW), L7 Bidder M/s.KSK Mahanadi Power Company Ltd. (500 MW), L8 Bidder M/s.GMR Energy Ltd. (150 MW), L9 bidder M/s.IL & FS Tamil Nadu Power Company Ltd. (540 MW), L10 Bidder M/s.Coastal Energen Pvt. Ltd. (558 MW) and L11 Bidder M/s. OPG Power Generation Pvt. Ltd. (74 MW) on 14-11-2013 for purchase of 2122 MW power and PPAs signed on 10-12-2013, 27-11-2013, 18-12-2013, 27-11-2013, 12-12-2013, 19-12-2013 and 12-12-2013 respectively. The scheduled delivery date for M/s.OPG is 01-01-2014 and 01-06-2014 for remaining bidders.

5.7. Clause 6.4 of MoP Guidelines states that *“The signed PPA along with the certification / certificates provided by the evaluation committee and by the procurer as provided in clause 6.2 shall be forwarded to the appropriate Commission for adoption of tariffs in terms of section 63 of the Act”*. As per the above clause, TANGEDCO filed petition PPAP No.3 of 2014 on 08-01-2014 before the Commission for adoption of tariff enclosing the following:-

- a. Copy of PPAs signed with 11 bidders.
- b. Bid evaluation committee and procurer certificate.

- c. Levelised tariff working sheet of 11 bidders comprising of all escalable and non-escalable components quoted by the bidders and CERC Escalation Rates used for evaluation by TANGEDCO for calculation of levelised tariff.

5.8. The actual tariff payment of eleven successful bidders for the month of July 2014 is tabulated below:-

Sl. No.	Name of the Bidder	Total Tariff for July 2014
1	M/s.DB Power Ltd.	4.2466
2	M/s.Jindal Power Ltd.	3.8807
3	M/s. Ind Barath Energy (Utkal) Ltd.	4.2503
4	M/s.Bharat Aluminium Company Pvt Ltd.	3.0990
5	M/s.Dhariwal Infrastructure Ltd.	3.5857
6	M/s.PTC India Ltd.	4.2006
7	M/s.KSK Mahanadi Power Company Pvt. Ltd.	3.9738
8	M/s.GMR Energy Trading Ltd.	4.0374
9	M/s.IL & FS Tamil Nadu Power Company Ltd.	5.3138
10	M/s.Coastal Energen Pvt. Ltd.	5.2418
11	M/s.OPG Power Gen Pvt. Ltd.	5.8538

5.9. M/s.OPG started supplying power from 01-01-2014 onwards as per PPA. PGCIL has granted LTA in the available corridor to M/s.Jindal Power Ltd. only for 150 MW power out of the contracted quantum of 400 MW due to transmission corridor constraint. Jindal started supplying 150 MW from 02-05-2014. PGCIL has not granted LTA for the remaining bidders.

5.10. The inter regional Solapur-Raichur 765 KV 2 x S/c lines have been synchronized on 31-12-2013 and 30-06-2014. A meeting was convened by PGCIL on 24-07-2014 to decide the Total Transfer Capability (TTC) between New Grid and Southern Region from 01-08-2014 and no decision was taken in the meeting. PGCIL has proposed to convene the meeting on 30-07-2014 to finalise TTC and

available transfer capacity. The grant of LTOA quantum to the Generators / traders who have signed PPA with TANGEDCO will be decided based on declaration of TTC and ATC.

5.11. The PPA holders are pressuring for tariff adoption orders of the Commission as the same is insisted by authorities for coal allocation. Therefore, it is prayed that the Commission may be pleased to adopt the tariff and pass orders.

6. Hearing on 23-02-2016:-

During the hearing of the above P.P.A.P. held on 23-02-2016, the TANGEDCO submitted interalia that M/s.Coastal Energen Private Ltd., M/s.IL&FS Tamil Nadu Power Company Ltd. and OPG Power Generation Pvt. Ltd. have offered some reduction in the rate discovered in the tender for specific periods. The Commission directed the TANGEDCO to file Written Statement to the above effect. Accordingly TANGEDCO filed Written Statement on 26-02-2016.

7. Findings of the Commission:-

7.1. TANGEDCO has filed the above P.P.A.P.No.3 of 2014 praying to condone the delay of 170 days in the process of Tender No.03/PPLT/2011 undertaken by them which is in excess of the prescribed period of 195 days stipulated in clause 5.19 read with the Annexure II of the guidelines for determination of tariff and to adopt levelised tariff of Rs.4.91 per kWhr under section 63 of the Electricity Act, 2003 for the purchase of 3330 MW Base Load Power as agreed by the TANGEDCO and the bidding companies as stated below:-

Sl. No.	Name of the bidding companies	Quantum in MW
1	M/s.D.B.Power Ltd.	208
2	M/s.Jindal Power Ltd.	400
3	M/s.Ind Bharath Energy (Utkal) Ltd.	500
4	M/s.Bharat Aluminium Company Ltd.	200
5	M/s.Dhariwal Infrastructure Ltd	100
6	M/s.PTC India Ltd.	100
7	M/s.KSK Mahanadi Power Company Ltd.	500
8	M/s.G.M.R. Energy Trading Ltd.	150
9	M/s.IL & FS Tamil Nadu Power Company Ltd.	540
10	M/s.Coastal Energen Power Ltd.	558
11	M/s.OPG Power Gen Pvt. Ltd.	74
	TOTAL	3330

Considering the overall circumstances of the case, the delay is condoned.

7.2. Section 63 of the Electricity Act, 2003 provides that notwithstanding anything contained in section 62, the appropriate Commission shall adopt the tariff if such tariff has been determined through transparent process of bidding in accordance with the guidelines issued by the Central Government. Section 62 referred to in the said section 63 relates to determination of tariff by the Commission in accordance with the provisions of the Act for supply of electricity by a generating company to the Distribution Licensee as provided in the said section.

7.3. The Hon'ble APTEL had laid down the scope of section 63 of the Electricity Act, 2003 vis-à-vis the State Commission in its order dated 16-12-2011 in Appeal No.82 of 2011 in Essar Power Limited Vs. UPERC and another. The relevant portion of the said order of the APTEL is extracted below:-

"212. Summary of our Findings:-

(A) The first question relates to the scope of power to be exercised and the method of procedure to be followed by the State Commission under section 63 of the Act.

The powers of the State Commission are limited under Section 63 of the Act. The State Commission while dealing with the petition under Section 63 for adoption of tariff could either reject the petition if it finds that the bidding was not as per the statutory framework or adopt the tariff if it is discovered by a transparent process conducted as per Government of India guidelines. Section 63 starts with non-obstante clause and excludes the tariff determination powers of the State Commission under Section 62 of the Act. The entire focus of the competitive bidding process under Section 63 is to discover the competitive tariff in accordance with the market conditions and to finalize the competitive bidding process in accordance with Central government's guidelines, standard document of Request for Proposal and the PPA. Under Section 62 of the Act, the State Commission is required to collect various relevant data and carryout prudence check on the data furnished by the licensee/generating company for the purpose of fixing tariff. Hence determination of tariff under Section 62 is totally different from determination of tariff through competitive bidding process under Section 63. Competitive bidding process under Section 63 must be consistent with the Government of India guidelines. Any deviation from the standard Request for Proposal (RFP) and model PPA notified by the Government of India must be approved by the State Commission. This process must discover competitive tariff in accordance with market conditions from the successful bid- consistent with the guiding principles under section 61 of the Act.”

In paragraph 212 (c) of the said judgment, the Hon'ble APTEL has further held as follows:-

“..... The objective of the competitive bidding is to protect and balance the Interest of all the parties concerned i.e. the distribution licensee, the bidder and the consumer. In other words, the entire competitive bidding process is not only to discover the tariff but also to discover the supplier who would be able to supply the required quantum of power to the procurer in timely manner.”

Thus the role of the Commission in entertaining the petition under section 63 involves two aspects:-

- (1) to satisfy itself as to the discovery of the suppliers who would be able to supply the required quantum of power to the procurer in timely manner; and
- (2) to adopt the discovered tariff.

7.4. In its order dated 18-12-2012 made in M.P.No.37 of 2012, the Commission approved 1000 MW \pm 20% of RTC Power for 15 years through long term under Case-I Bidding under section 63 of the Electricity Act, 2003. Further, after hearing the representative of TANGEDCO and after examination of the petition and additional affidavit filed by TANGEDCO in the said M.P.No.37 of 2012, the Commission approved the following deviation from the Government of India guidelines in the procurement of power through Case I Bidding.

“(f) The matter was further heard by the Commission. After hearing the representative of TANGEDCO and after examination of the petition and additional affidavit, the Commission approves the following deviations:

(i) Payment mode is direct payment instead of LC. For Collateral arrangement, Standby LC /Bank Guarantee is provided in place of Credible Escrow Mechanism.

(ii) In case of Requisitioned Capacity being equal to or greater than 500 MW, the procurer shall have the option to decide the Scheduled Delivery Date, which shall not be less than five (5) months instead of four (4) years from the Effective Date.

(iii) In case of failure of the Seller to start supply of power to procurer even after expiry of “(6)” months instead of twelve (12) months from its Scheduled Delivery Date or the Revised Scheduled Delivery Date, as the case may be, it shall be considered as a Seller Event of Default and provisions of Article 11 shall apply.

(iv) Networth should be equal to or greater than the value calculated at the rate of Rs.0.50 crore per MW of capacity offered by the Bidder in its Bid or equivalent USD on date of opening of the tender instead of three years audited annual accounts.

(g) The Commission also directs the TANGEDCO to undertake the following exercises:-

(i) Rolling review of the demand supply position will have to be done every year by the TANGEDCO duly taking into account the load reduction due to Demand Side

Management and accordingly capacity addition or bidding under case I or case II will have to be initiated on a year to year basis.

(ii) Demand Side Management activities leading to energy conservation and efficient use of energy needs to be stepped up on a regular basis by TANGEDCO.

(iii) The Board of Directors of TANGEDCO shall carefully examine the tariff obtained through the case I bidding in this case, before approaching the Commission for adoption of tariff, as commitment for 15 years will have to be made for this power purchase.”

TANGEDCO filed another Petition in M.P.No.27 of 2013 for procurement of 2122 MW being the balance power required out of estimated demand of power for Tamil Nadu as per CEA estimation. The Commission in its order dated 18-10-2013 in the said M.P.No.27 of 2013 has passed the following order:-

“This Commission by the order dated 18-12-2012 in M.P.No.37 of 2012 has already allowed the petition filed by TANGEDCO for procurement of 1000 MW \pm 20% of RTC power for 15 years through long term under case 1 bidding procedure issued by Ministry of Power, Government of India under section 63 of the Electricity Act, 2003 and also approved certain deviations in the procedure as mentioned in the said order.

8.2 In the said tender the following 12 bidders participated and offered the following quantum:-

Sl. No.	Name of the Company	Fuel	Source	Offered Quantum
1	M/s.DB Power	Domestic Coal Linkage	Chattisgarh	208 MW
2	M/s.Jindal		Chattisgarh	400 MW
3	M/s.Ind Bharath		Orissa	500 MW
4	M/s.BALCO		Chattisgarh	200 MW
5	M/s.Dhariwal		Maharashtra	100 MW
6	M/s.PTC Jharkhand		Jharkhand	100 MW
7	M/s.KSK		Chattisgarh	500 MW
8	M/s.GMR		Maharashtra	150 MW
9	M/s.IL & FS	Imported Coal	Tamil Nadu	540 MW
10	M/s.Coastal		Tamil Nadu	548 MW
11	M/s.OPG		Tamil Nadu	74 MW
12	M/s.Simhapuri		Andhra Pradesh	100 MW
		Total		3430 MW

8.3 In the above Table Sl.No.2 to Sl.No.4 have agreed to match L1 rate as well as for the additional rebate of Rs.0.02 per unit of energy as per the PPA, Article 8.3.6(a) of the PPA provides as follows:-

“An additional rebate of 0.02/unit of scheduled energy as per the provisional bill payable in the first five contract years starting from scheduled delivery date provided one hundred percent of the provisional bill is credited to seller’s account within 5 days from the date of issuance of provisional bill.”

Hence LOI was issued to the said four bidders (L1 to L4) for a total quantity of 1208 MW by the TANGEDCO.

8.4 Negotiation was conducted by TANGEDCO with the remaining bidders to match L1 rate and additional rebate for repayment with the following bidders and above action was ratified by the Board of TANGEDCO in its 38th meeting.”

Sl.No.	Name of the Company	Offered Quantum
1	M/s.BALCO	Balance 100 MW
2	M/s.Dhariwal	100 MW
3	M/s.PTC	100 MW
4	M/s.KSK	500 MW
5	M/s.GMR	150 MW
6	M/s.IL & FS	540 MW
7	M/s.Coastal	548 MW
8	M/s.OPG	74 MW
9	M/s.Simhapuri	100 MW
	Total	2222 MW

8.5. Out of the above bidders, L12 bidder, namely M/s.Simhapuri (offered quantum 100 MW) has not given concurrence to match L1 rate and additional rebate. Therefore, TANGEDCO filed the present petition seeking approval for the purchase of remaining 2122 MW (2222-100) from the other bidders who opted to match the bidder.”

x x x x

“Further, the Commission approves the procurement of balance quantum of 2122 MW in Tender No.03/PPLT/2012 floated by TANGEDCO under case 1 bidding subject to the deviation already approved in M.P.No.37 of 2012 dated 18-12-2012, considering the absolute need to procure additional power to maintain a stable power position.”

7.5. Thus, the Commission has already granted approval for procurement of a quantum of 3330 MW under Case I Bidding (1000 MW ± 20% of RTC and 2122 MW). While so, TANGEDCO filed the present PPAP No.3 of 2014 for adoption of the

levelised tariff of Rs.4.91 per kWhr for purchase of 3330 MW Base Load Power under section 63 as already stated above. The above PPAP is filed with the Commission as required under Clause 6.4 of the MoP guidelines since the said clause mandates that the signed PPA along with the certification / certificates provided by the Evaluation Committee and by the procurer as provided in Clause 6.2 of the said guidelines shall be forwarded to the appropriate Commission for adoption of tariffs in terms of section 63 of the Electricity Act, 2003. TANGEDCO has enclosed the following with the PPAP:-

- (a) Copy of the PPA signed with the bidders.
- (b) Bid Evaluation Committee and Procurer Certificate.
- (c) Levelised tariff working sheet of 11 Bidders comprising of all escalable non-escalable components quoted by the bidders and CERC Escalation Rate used for evaluation by TANGEDCO for calculation of levelised tariff.

7.6. TANGEDCO has stated that the levelised tariff of Rs.4.91 per kWhr has been discovered in the tender through competitive bidding by following guidelines of MoP and the Evaluation Committee has also certified that Bid Evaluation has been done in a transparent manner and in conformity with the Government of India guidelines. Therefore, in terms of section 63 of the Act, the Commission adopts the levelised tariff of Rs.4.91 per kWhr for procurement of 3330 MW Base Load Power as discovered under Tender No.03/PPLT/2011.

7.7. During the hearing of the above P.P.A.P. held on 23-02-2016, the TANGEDCO submitted interalia that M/s.Coastal Energen Private Ltd., M/s.IL&FS Tamil Nadu Power Company Ltd. and OPG Power Generation Pvt. Ltd. have offered some reduction in the rate discovered in the tender for specific periods. The

Commission directed the TANGEDCO to file Written Statement to the above effect. Accordingly TANGEDCO filed Written Statement on 26-02-2016. In para 17 of the said Written Statement, TANGEDCO has stated as follows:-

“Though it is out of context to the issue of adoption of levelised tariff, which is the average tariff over the period of the contract (15 years) duly escalated as per the escalation indices and discount factors issued by CERC for the purpose of evaluation, the voluntary discounts offered by M/s.Coastal Energen, M/s.IL&FS and M/s.OPG Power are enclosed for the information of the Commission.”

The above statement of the TANGEDCO is recorded.

7.8. Regulation 75 (1) of the Tamil Nadu Electricity Regulatory Commission (Terms and Conditions for Determination of Tariff) Regulation, 2005 provides interalia that the Distribution Licensee shall procure power on least cost basis and strictly on Merit Order Despatch. Thus, the procurement of power in the above tender also shall be subject to the above Regulation.

With the above order and observations, the P.P.A.P.No.3 of 2014 is disposed of.

8. Appeal:-

An appeal against this order shall lie before the Appellate Tribunal for Electricity under section 111 of the Electricity Act, 2003 within a period of 45 days from the date of receipt of a copy of this order by the aggrieved person.

(Sd.....)
(G.Rajagopal)
Member

(Sd.....)
(S.Akshayakumar)
Chairman

/ True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission