

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

PRESENT:-

Thiru.S.Kabilan	...	Chairman
Thiru.K.Venugopal	Member
	and	
Thiru.S.Nagalsamy	Member

M.P. No. 32 of 2011

National Energy Trading and Services Ltd.
Plot No. 397, LANCO House
Udyog Vihar, Phase III,
Gurgaon – 122 016.(Haryana)

Petitioner
(Thiru Rahul Balaji, Advocate for Petitioner)

Vs.

TANGEDCO
Rep. by its Chairman & Managing Director
No. 144, Anna Salai
Chennai – 600 002.

Respondent
(Thiru.P.H. Vinod Pandian, Advocate for Respondent)

Hearing Date 15-12-2011

ORDER

Thiru. Rahul Balaji, Advocate appeared for the petitioner. The prayer of the petitioner is to direct the respondent not to open the financial bids without first issuing a corrigendum to the work sheet for tariff computation and receiving the corrected details on that basis from the qualified bidders and also direct the respondent to rectify the errors contained in the work sheet for tariff computation provided by it including the multiplier specified for computing the levelized tariff, proper escalation rates to be adopted for appropriate categories and issue a corrigendum at the earliest and also permit the petitioner to furnish the rates in view of such corrigendum and submit the same for consideration in a sealed cover. After hearing the petitioner, the Commission passed the following order:-

“The learned counsel for TANGEDCO was absent. The Commission takes strong exception to his absence. If there was any inconvenience on the part of the learned counsel, he could have sought adjournment. In fact the matter was

specially listed by the Commission in view of the urgency stated by the TANGEDCO. The Secretary of the Commission should address Chairman, TANGEDCO to bring to his notice the absence of the learned counsel for TANGEDCO.

The TANGEDCO should ascertain from the Trader the total capacity of the generator, the surplus offer in Case 1 bidding, whether open access arrangements have been made for the supply of the committed quantity of power to TANGEDCO. Whether the Trader would be able to supply for the committed period with the back up of gas supply agreement for the relevant period.

TANGEDCO stated that OPG Energy Limited were disqualified on ground of misrepresentation that they have not participated in any other tender. But, the TANGEDCO proposes to relax this condition for LANCO Kondapalli although they have committed the same irregularity of participating in other tenders of TANGEDCO. We find it difficult to go along with the proposal of TANGEDCO and therefore we reject the bid of LANCO Kondapalli. That leaves the TANGEDCO only with single offer of 100 MW Source-2 from LANCO, Uttar Pradesh.

The petitioner in M.P. No.32 of 2011, M/s. NETS raised an objection that the financial bid should not be opened without issuing a corrigendum and to permit them to furnish the rates in view of such corrigendum. The TANGEDCO submitted that the Petitioner did not raise this point in the pre-bid discussion and therefore the objection of the Petitioner does not survive. We permit the TANGEDCO to open the single bid of LANCO Uttar Pradesh and submit it to the Commission in accordance with Section 63 of the Electricity Act, 2003.

The learned counsel for TANGEDCO appeared in the afternoon session and assured the Commission that absence will not be repeated in future. The Commission decides to drop it in deference to the prayer of the learned counsel for TANGEDCO.

(Sd.....)
(S. Nagalsamy)
Member

(Sd.....)
(K.Venugopal)
Member

(Sd.....)
(S.Kabilan)
Chairman

/ True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission