

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

**PRESENT:-**

ThiruS.Akshayakumar	....	Chairman
ThiruG.Rajagopal	....	Member
	and	
Dr.T.PrabhakaraRao	....	Member

**D.R.P.No. 26of 2012**

Madurai Power Corporation Pvt. Ltd.  
No.3, 1<sup>st</sup> Floor, 2<sup>nd</sup> Street  
Subbarao Avenue, College Road  
Chennai – 600 006.

...Petitioner  
(ThiruRahul Balaji  
Advocate for the Petitioner)

Vs.

1. Tamil Nadu Generation & Distribution Corporation Limited  
144, Anna Salai  
Chennai – 600 002.
2. Tamil Nadu Transmission Corporation Limited  
144, Anna Salai  
Chennai – 600 002.
3. State Load Despatch Centre  
TANTRANSCO Ltd.  
144, Anna Salai  
Chennai – 600 002.

....Respondents  
(ThiruM.Gopinathan  
Standing Counsel for TANGEDCO)

**Dates of hearing :** 20-12-2012; 04-02-2014; 26-02-2014;  
23-04-2014; 30-10-2018; 06-12-2018;  
07-12-2018; 10-12-2018; and 14-12-2018

**Date of order :** 14-12-2018

## ORDER

1. The prayer of the Petitioner in D.R.P.No.26 of 2012 is to-
  - (a) declare that the Respondents are bound to issue dispatch instructions under the PPA strictly in terms of Article 6.3 thereby disentitling them from issuing part / zero power dispatch instructions under the terms of the PPA between the parties except in the event of an Emergency affecting the Grid system;
  - (b) Additionally and alternatively in the event zero / part power dispatch instructions are issued and required to be complied with, direct the Respondents to issue such dispatch instructions in accordance with the proposal put forward by the Petitioner in this petition, i.e. such zero power dispatch instructions must be limited to a maximum of 4 hours of zero power followed by a minimum of 8 hours of minimum technical feasible load of 13 MW single engine operation;
  - (c) direct the Respondent No.1 to pay all costs arising out of compliance with the zero power instructions including:-
    - (i) Cost of fuel by adding energy drawn from the grid by the project during zero power operation to the monthly net export joint meter reading either as per the actual reading taken jointly with the Respondent before and after every zero power operation or in the alternate adopt the Petitioner's estimated energy consumption of 455 kw per hour based on connected auxiliary load to arrive at the net energy delivered by the project with which Gross Actual Energy will be computed for invoicing;
    - (ii) Diesel cost to operate the start-up boiler at the rate of 200 litres of diesel for every hour of zero power dispatch at the prevailing diesel price;

- (iii) Cost of additional start-up charges towards start-stop due to zero power operation as per Appendix L of the PPA;
  - (iv) deemed generation for the energy made available by the project during the zero power period.
  - (v) liquidated damages payable by the Petitioner under the Fuel Supply Agreement.
  - (vi) Any other costs incurred and directly arising out of compliance with such instructions.
- (d) direct the Respondent to pay all the aforesaid sums promptly within the time prescribed for payments of invoices under the PPA.
- (e) direct the Respondent not to disallow any energy fed into the grid so long as such supply has been effected when there is no emergency affecting the grid as notified by the State Load Dispatch Centre and consequently make payment in respect of all the energy that has been fed into the grid by the Petitioner.
- (f) direct the Respondent to allow the operation of at least one single engine at the minimum technical feasible load of 13 MW in case of any failure of the existing start-up boiler since there is no redundancy for the start-up boiler to ensure that the exhaust gas boiler is operated for production of necessary steam to keep the fuel at warm condition.
- (g) direct the Respondent to pay costs.
- (h) pass such further or other orders as the Commission may deem fit in the facts and circumstances of the case and thus render justice.

2. Subsequently, the Respondent, TANGEDCO have filed Counter affidavit on 26-03-2014 with a prayer to dismiss the petition.

3. The above D.R.P.No.26 of 2012 came up for hearing on 14-12-2018. Thiru Rahul Balaji, Advocate appeared for the Petitioner and ThiruT.Mohan, Advocate represented for the Counsel-on-record for the Respondents. The Counsel for the Petitioner prayed the Commission to permit them to withdraw the petition. The prayer is allowed and accordingly D.R.P.No.26 of 2012 is dismissed as withdrawn.

(Sd .....)  
**(Dr.T.PrabhakaraRao)**  
**Member**

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

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

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Secretary  
Tamil Nadu Electricity  
Regulatory Commission