

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

I.A.No. 2 of 2011
in
M.P.No. 48 of 2010

Tamil Nadu Generation and Distribution
Corporation Ltd.
(TANGEDCO)
No.144, Anna Salai, Chennai – 600 002.

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

Vs.

Nil Respondent

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)

Date of hearing : 15-12-2011

Date of Order : 15-12-2011

Both the above Petitions namely I.A No. 2 of 2011 in M.P. No. 48 of 2010 and M.P. No. 32 of 2010 relate to a common matter namely the matter of

procurement of power by TANGEDCO under Case I bidding procedure. Since the prayer in both the above petitions are related, both the application / petition were taken up together and the Commission after hearing the Petitioner passes the following

COMMON ORDER

1. 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.

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

3. The TANGEDCO should ascertain from the Trader (Bidder) the total capacity of the generator, the surplus offered in Case 1 bidding, whether open access arrangements could be made by the bidder for the supply of committed quantity of power to TANGEDCO and whether the bidder would be able to

supply for the committed period with the back up of gas supply agreement for the relevant period.

4. TANGEDCO stated that OPG Energy Limited were disqualified on the grounds 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.

5. 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 the Section 63 of the Electricity Act, 2003.

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

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

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

/ True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission