

HARYANA ELECTRICITY REGULATORY COMMISSION

BAYS NO. 33-36, SECTOR- 4, PANCHKULA

Date of Hearing: 4/01/2008

Date of Order: 6-02- 2008

This review petition has been filed by the Haryana Power Generation Company Limited (HPGCL) vide memo no. HPGC/FIN/Reg – 261/1302 dated 15/11/2007 in respect of the Commission's order dated 31/10/2007.

PRESENT:	Shri Bhaskar Chatterjee, Chairman Shri T.R. Dhaka, Member Shri T.S. Tewatia, Member
On behalf of HPGCL	Ms. Jyoti Arora, Managing Director Mr. J.C.Kinra, Shri D.C. Arya, FA/Hqr Mr. R.K.Arora SE(T).
On behalf of PTC India Ltd.	Ms Sneh Daheriya, Mr. Sanjeev Mehra Mr. Shashi Shankar
On behalf of Lanco Amarkantak Power Pvt. Ltd.	Mr. K.Raja Gopal, Director & CEO Mr., M.N.Ravi Shankar, Director Mr. N.Venu Gopala Rao, Executive Director Mr. M.R.Krishna Rao, DGM Commercial

The review petition has been filed under Regulations 78(1) & 78(2) of the Haryana Electricity Regulatory Commission Regulations No. 6/HERC/2004 on Conduct of Business Regulations.

The Commission while conveying its inability to approve the Power Sale Agreement(PSA) between HPGCL and PTC for 300 MW Amarkantak Thermal Project Phase II in the order under review had observed that clause 2(i) of the clarification dated 28th March 2006 from Ministry of Power, Govt. of India provides "Where the PPA has been signed and approved by the Appropriate Commission prior to 6/01/2006 or PPA has been signed and is pending before the Appropriate Commission on 6/01/2006 such procurement would be treated as falling outside the

scope of clause 5.1 of Tariff Policy as contractual obligation for procurement of power has been firmly established in such cases". The instant PSA was signed on 21/09/2006 and thus it was neither signed and approved prior to 6/01/2006 nor was it pending before the Commission.

Clause 2 (ii) of above MOP communication provides that, "similarly, where the appraisal of any power project has started before 6/01/2006 by the relevant financial institution for lending funds to the project on the basis of appropriate evidence of procurement of power by any utility such procurement would be treated as falling outside the scope of clause 5.1 of the Tariff Policy provided that in all such cases final PPA is filed before the Appropriate Commission by 30th September, 2006".

A perusal of the documents made available to the Commission including the letter dated 26th October 2005 (Ref LAPPL/PFC/1702/2170) from Lanco Amarkantak Power Private Limited (LAPPL) to Power Finance Corporation (PFC) reveals that the above mentioned letter is in the nature of a request to PFC to act as Lead Financial Institution and appraise the project. Consequently, the Commission had concluded that the LAPPL letter mentioned above is not "evidence to the fact that financial appraisal of the project had started before 6/01/2006. Resultantly, the instant PSA does not qualify for exemption from clause 5.1 of the Tariff Policy".

Further, the Commission in its order under review did not find the pool tariff arrangement incorporated in the PSA workable and legally acceptable since it is not backed up by Electricity Act, 2003 and any rule / regulations on the subject. Consequently, the Commission despite agreeing with the views of HPGCL that the instant power at a capped rate of Rs.2.32/kWh being competitive was unable to approve PSA in its instant format.

HPGCL now in its review petition has addressed both the issues which did not find favour with the Commission in its order dated 31st October, 2007. The review petition of HPGCL dated 15.11.2007 provides a brief resume of the case including the PSA arrived at with PTC India Limited. It prayed for review, reconsider, modify the said order of the Commission and pass any other order/direction which this Commission deem fit and appropriate, with the copy of the letter dated 7.11.2007 from Power Finance Corporation(PFC) stating that it had started the financial appraisal process for Amarkantak Power Project Unit II on receipt of request letter No.LAPPL/PFC/1702/2170 dated 26.10.2005 to reiterate the stand of HPGCL that the present PSA is exempt from clause 5(1) of the Tariff Policy of Govt. of India. It has also clarified the principles behind the cap tariff and the calculation therein and the details of the pool account

mechanism. With regard to the cost it has mentioned that the proposed tariff is very competitive considering the tariff of Rs.3.19/kWh for DCRTTP for the year 2007-08.

The Commission after initial examination of the review petition, considered it appropriate to hear the concerned parties before taking a final decision in this case. Consequently, HPGCL, Power Trading Corporation (PTC) and Lanco Amarkantak Power Private Ltd. were directed to appear before the Commission on 4.1.2008 for making their presentation. Lanco Amarkantak Power Private Limited was also considered a concerned party since they are the generator with whom long term PPA has been signed by PTC India Ltd. for supply of power and the same PPA was Annexure-I to PSA which has been put up for approval of this Commission. The hearing took place as scheduled.

HPGCL in their presentation referred to the letter dated 7.11.2007 from Power Finance Corporation Ltd. stating that they had started the financial appraisal of Unit II of 300 MW Amarkantak project on receipt of Lanco Amarkantak Power Private Ltd. Letter No.LAPPL/PFC/1702/2170 dated 26th October, 2005. HPGCL further clarified that the pool mechanism envisaged in the PSA is going to be a notional one and there would not be any difference between the rate charged from the consumers and to be paid to the PTC and ultimately to be paid to the generator by retaining their (PTC's) trading margin. Consequently, they would not be violating section 62(6) of the Electricity Act 2003. HPGCL's view in regard to financial appraisal of the said project was supported by PTC India Ltd. They were however, open to any order by the Commission with any deviation vis-à-vis the PPA and PSA provided the same is agreeable to both HPGCL and LANCO. The representative from M/s Lanco Amarkantak Power Pvt. Ltd. while making their presentation pointed out that the present PPA and PSA are not in line with the Electricity Act, 2003 and they will be willing to accept the tariff fixed by the appropriate Commission based on CERC Regulations. They also pleaded for balancing of risks amongst all the stakeholders. HPGCL however, did not agree with the contentions of M/s Lanco Amarkantak Power Pvt. Ltd. stating that it would totally change the agreement arrived at between the parties. After a detailed hearing of the parties the Commission directed all of them to submit their views and their response to the query(ies) raised by the Commission during the course of hearing in writing by 14.1.2008. The parties complied with the direction within the stipulated date.

The Commission after examining all the relevant documents including the review petition of HPGCL gives its findings as under:-

In its review petition HPGCL vide memo no. HPGC/FIN/Reg-261/1302 dated 15/11/2007 provided a letter from the Power Finance Corporation (PFC) dated 7/11/2007 stating that “it is certified that financial appraisal of unit –II of 300 MW Amarkantak Power Project, in the state of Chhattisgarh had been started by PFC on receipt of request letter No. LAPPL/PFC/1702/2170 dated 26th October, 2005”. The Commission in accordance with Regulation 78 (2) (b) considers the above mentioned letter from PFC (the Lead Financial Institution) and feels that it could be considered as “new and important matter of evidence discovered which after the exercise of due diligence, was not within the knowledge of or could not be produced by the party concerned at the time when the order or decision was made” and hence the Commission accepts the fact that appraisal of the power project has started before 6/01/2006 by the relevant financial institution for lending funds to the project. Resultantly the Commission reviews its earlier decision to that extent and concludes that the instant PSA is covered under the exemption clause 2(ii) of the clarification to the Tariff policy issued by the Ministry of Power, Government of India dated 28th March 2006.

In this context, the Hon’ble Appellate Tribunal’s order dated 23rd November 2006 in Appeal No. 228 & 230 of 2006 came up for discussion in the hearing on the subject of admissibility of the clarification from the Ministry of Power, Govt. of India. It is a matter of record that our Commission did not seek any clarification from Ministry of Power, Government of India on Tariff Policy. Hence, the observation of the Hon’ble Appellate Tribunal in the said order that the Central Electricity Regulatory Commission (CERC) is a statutory authority and is bound to exercise powers in terms of statutory power contained in the Electricity Act, 2003 only, is not relevant in the instant case. Government of India is empowered under section 3 of the Electricity Act 2003 to “from time to time, prepare the National Electricity Policy and tariff policy”. Section 3(3) of the Act provides that “the Central Government may, from time to time in consultation with the State Governments, and the Authority review or revise, the National Electricity Policy and tariff policy”. Consequently, any review / revision in the Tariff policy becomes an integral part of it and the relevant clause has to be ‘read with’ the review/revision issued by the relevant authority from time to time.

The cost of 300 MW Amarkantak Phase II power at the generator’s bus – bar for 25 years is levellised cap rate of Rs. 2.32/kWh. The year to year tariff is based on the norms specified by the CERC and is to be determined by appropriate Commission based on the filing for the relevant year(s) or on a multi – year basis. The levellised tariff which is an accepted and established method for comparing competitiveness of different projects which may have

different useful life and cost/financing structure including capitalization and construction period, in the instant case compares favorably with the tariff of current as well as future sources of power contracted by the bulk supply / trading licensee in Haryana such as Barh TPS (Rs. 2.44/kWh), North Karanpura TPS (Rs.2.37/kWh), Unchahhar TPS Stage III (Rs. 2.91/kWh), Chamera III HEP (Rs. 2.99/kWh), Dulhasti HEP (Rs. 3.0/kWh), Parbati II HEP (Rs. 3.85/kWh), Uri Stage II HEP (Rs. 3.26/kWh) . It is pertinent to point out that Haryana witnesses peaking as well as base load shortages and the scenario is likely to continue because of demand out pacing the new capacities that are being tied up. During the 1st half of FY 2007-08, for which final data / invoices are available, 880.84 MUs were scheduled by Haryana from short term / bi – lateral sources at an average rate of Rs. 6.42 / kWh (exclusive of wheeling charges). Besides this, 1955 MUs were drawn by way of Unscheduled Inter-Changes (UI) which is not an isolated case as more or less the same drawl pattern is repeated year after year and the situation worsens in the event of below normal rainfall. The average rate of UI draws during the above mentioned period was Rs. 2.97/kWh which may go up in view of recent upward revision of UI rates by CERC. Such draws during low grid frequency period are not only expensive but also endangers the Grid stability and tantamount to grid indiscipline. Consequently, to avoid such expensive draws and indiscipline it is advisable and also prudent to contract long term power which is not only cheaper, as in the instant case, but also a reliable option.

The Commission vide its memo No.HERC/656 dated 14.07.2006 had given in - principle approval for purchase of power from this project after issuing a public notice listing the proposal submitted by HPGCL and soliciting comments/suggestions thereon or submission of any better solution to mitigate the power shortage in Haryana. The Commission in its order dated 31.10.2007 held that the instant power at a capped rate of Rs.2.32/kWh & landed cost at Haryana periphery of Rs.2.77/KWh is competitive which is borne out by the position brought out in the preceding paragraph.

On the issue of 'pool tariff arrangement' envisaged in the PSA under approval, HPGCL in its review petition as well as in its filing dated 14.01.2008 have submitted that the Commission may consider notional operation of the pool account wherein the tariff charged from the Discoms in no case shall increase the actual price paid and applicable charges/margin thereby complying with Section 62(6) of the Act. However, M/s Lanco Amarkantak Power Private Ltd. in its letter LAPPL/PTC/403/7817 dated 12.01.2008 filed in response to the direction given by the Commission at the time of hearing on 04.01.2008 has submitted that the operation of the pool account cannot be a notional one as per the PSA.

We have considered the above submissions and hold that there cannot be a notional pool account and reiterates that the pool tariff arrangement envisaged in the agreement violates Section 62(6) of the Electricity Act, 2003. However, we hasten to add that M/s Lanco Amarkantak Power Private Ltd. in their said letter have opened up new issues not agreed upon by the parties and, also, against the agreed levellised cap tariff of Rs.2.32/kWh. Consequently, in accordance with Para 1.1.3 of schedule E of the PPA, as amended vide amendment No.1 dated 19.10.2005 which is part of Annexure-1 to Power Sale Agreement (PSA), the Commission approves levellised cap tariff of Rs.2.32/kWh at Generator's bus bar for the entire term of the agreement.

We approve the instant PSA subject to the above observations and direct HPGCL to submit its final copy to the Commission. The Commission further directs that HPGCL shall ensure that necessary clearance / agreement with PGCIL including inter – connectivity and open access permission for evacuation of 300 MW Amarkantak TPS Phase II power are in place well in time to match with the start up operation / testing prior to the date of commercial operation (COD) of the project. The necessary augmentation of intra – state transmission, sub – transmission and distribution network is also to be ensured by HVPNL and Discoms for utilization of the contracted power.

Date: 6/02/2008

Place: Panchkula

T. R. Dhaka
(Member)

Bhaskar Chatterjee
(Chairman)

I differ with the views expressed by Sarvshri Bhaskar Chatterjee, Hon'ble Chairman & T.R. Dhaka, Member and their approval to the instant PSA at a levellised cap tariff of Rs. 2.32/kWh for the entire term of the project granted by them at the review stage.

On the basis of the grounds mentioned hereunder I reject the review petition filed by HPGCL against the Commission's order dated 31st October 2007 vide which the Commission had rightly arrived at the decision that the it "is unable to approve PSA in its instant format". Thus, any other decision on the instant PSA is *ultra-virus* to the Electricity Act 2003 and the Tariff policy framed under it.

The important events leading to the instant approval of the PSA is re-produced below:-

2/06/2006: Petition for purchase of power from PTC - 300 MW Amarkantak Phase II Thermal Project in Chhattisgarh filed by HPGCL.

14/07/2006: The Commission grants in principle approval subject to “HPGCL is required to submit the PPA with PTC, duly approved by the BODs, after incorporating the changes, if any, in view of the ongoing deliberations between HPGCL and PTC, for final approval by the Hon’ble Commission”.

18/12/2006: Commission sought clarifications on the PSA.

12/01/2007: Part clarifications received from HPGCL.

9/08/2007 Clarification on pool tariff mechanism received from HPGCL.

1/10/2007: Hearing held in the Commission’s office.

31/10/2007: Further clarification on issues raised during the hearing received from HPGCL.

31/10/2007: Commission rejects the PSA.

Thus, it is evident from the above chronology of events that after due deliberations spanning more than a year, the Commission rejected the PSA. Subsequent to which HPGCL vide memo no. HPGC/FIN/reg-261/1302 dated 15/11/2007 filed a review petition. In less than three months time, from the original order, without any factual status having undergone any change, the Commission has now changed its decision by majority based largely on a certificate provided by PFC India Ltd dated 7th November 2007 i.e. much after the Commission rejected the PSA on 31/10/2007.

1. Procedural Aspect:

The instant review petition was admitted by the Commission with utter disregard to the Commission’s own regulations i.e. Regulation 78(2) of the HERC (Conduct of Business Regulations) 2004. It is not known how a new piece of evidence can crop – up only after the PSA was rejected. Consequently, the legitimacy of the certificate of project appraisal

having started prior to the cutoff date provided by HPGCL is doubtful. The certificate provided by PFC with regard to financial appraisal having started is dated 7/11/2007 in response to HPGCL's request dated 6/11/2007 that too without any reference / memo or file number speaks volumes about the manner in which the said certificate has been procured (which HPGCL was unable to submit as on 31/10/2007 i.e. the date of Commission's order rejecting the PSA).

Further, the Commission vide its decision dated 20/12/2007 invited the 'parties involved in the PSA' for hearing on the review petition on 4/01/2007. It was decided "it would be advisable to give a hearing to all the parties involved in the PSA". The private developer Ms. Lanco Amarkantak Power Private Limited (LAPPL) is not a party to the PSA between HPGCL and PTC. More so, LAPPL has signed the Power Purchase Agreement with PTC and is bound by the terms and conditions of the said PPA and can under no circumstances renege on the same unless PTC (whose business is not regulated by HERC) wants to renegotiate the PPA. In that case the instant PPA/PSA should have been withdrawn and a fresh PSA/PPA submitted for approval of the Commission. Thus, the fact that LAPPL was allowed to intervene during the hearing as well as permitted to make submissions in writing by 14th January 2008 cast serious doubts on the legality of the proceedings. It is also relevant to point out that the commission while considering the original petition issued a notice no. HERC/2007/1736 only to HPGCL for a hearing as HPGCL (a deemed trading licensee of HERC) had sought approval of the PSA. Thus, to invite LAPPL at the review stage, in my view, is inappropriate as determining tariff in case of a generator not located within the State of Haryana does not fall within the functions of the Commission as per Section 86(b) of the Electricity Act, 2003. Resultantly, the PSA approved by the Commission is totally illegal. The hon'ble Supreme Court on several occasions has held that impleading third party at review stage amounts to de novo trial. Consequently, the review order becomes infructuous.

The hearing took place on 4/01/2007 as scheduled and at the outset I had objected to the presence of Ms Lanco during the hearing but my objection was overruled by majority and Ms Lanco allowed to intervene / making submissions. During the hearing

the parties were directed to make written submissions to quote the Commission's order third Para page no. 3, "After a detailed hearing of the parties the Commission directed all of them to submit their views and their response to the query(ies) raised by the Commission during the course of hearing in writing by 14/1/2008. The parties complied with the direction within the stipulated dated". I place it on record that none of the written submissions filed by the parties were provided to me prior to the majority order dated 6/2/2008. Propriety demands that a copy of all the filings / rejoinders pertaining to a case under consideration of the Commission should be provided to all the members. It is unfortunate that no meeting of the full Commission was ever scheduled to discuss such an important issue nor the file was circulated seeking my views. Now the order signed by majority has been forwarded along with the file to me for signature.

2. Third Party (Independent) Views:

The PSA between HPGCL and PTC India for 300 MW Amarkantak Thermal Power Project Phase II being developed by Lanco Amarkantak Power Project Limited (LAPPL) suffers from a series of inadequacies and hence should not have been approved at the review stage.

To begin with, the independent consultant appointed by HPGCL i.e. M/s Feedback Ventures to review Tariffs and other terms and conditions for long term power procurement in its report submitted in March 2006 (Para 7.1.3) concluded, "with regard to the long – term procurement plan of HPGCL from other two projects (Amarkantak and Teesta VI) of Lanco group, the same would not be in line with the policy directives, even the CERC interpretations (on the National Tariff Policy) is taken into consideration". The conclusion was arrived at after examining all the relevant documents and relevant section of the Electricity Act 2003 as well as the National Tariff Policy announced under the provision of the Act. In spite of an expert opinion and independent opinion available on the issue the Commission, by majority, has accepted the review petition of HPGCL and review its decision.

3. Haryana Government's View:

Further, the proposal by the Power Department to the Council of Ministers dated 3/05/2006 also observed, "Strictly going by the tariff policy, it appears that we shall have no choice but to ask bids for power procurement on long term basis (these included 300 MW Amarkantak Projects)". The Power Department also observed, "the State should safeguard its interest even if a deviation has to be made from the (National Tariff) Policy.

It is therefore clear that the expert consultant as well as the Haryana Government were unanimous in their views that the instant proposal is not exempted from competitive bidding. While the State Government, which represents the electorates may in Public / State interest take a decision under section 108 of the Electricity Act 2003. But the Commission, a quasi judicial body should necessarily act within the four corners of the Act / National Policy (ies) and the Regulations framed by it. Despite this, with utter disregard to the Act and Policy framework within which the Commission is required to function, the review petition approving the PSA, on a negotiated basis, has been upheld by a majority decision.

4. Energy balance:

HPGCL justified the procurement on the basis of the fact that the power is required given the shortage scenario obtaining in Haryana. However, in their reply filed on energy balance dated 9/8/2007 (Memo No. Ch-15/CE/PPM/SE/Tariff/L-35) it is stated that "300 MW of Amarkantak will be a small percentage of this quantum (power availability from 2009-10 to 2012 – 13 of 11000 MW plus) and as such the immediate impact (of 300 MW not being available) may not be substantial". While in the instant review HPGCL has stated, "the power being procured will ease the demand – supply gap thereby benefitting the consumers and leading to industrial growth". Consequently, contradicting its stand taken earlier.

5. Tariff Policy:

HPGCL in its review petition submitted that, “the procurement of power under discussion is well beyond the clause 5.1 of the tariff policy and is exempted under clause 2(ii) of clarification (issued by Ministry of Power Government of India in response to the clarification sought by CERC) dated 28th March 2006” HPGCL further reiterated that, “M/s Lanco’s letter earlier submitted by the petitioner clearly shows that financial appraisal of the project had already started before 6/01/2006”. The Commission dealt at length the above mentioned letter in its order dated 31st October 2007 and concluded that, “The Commission is of the view that the above letter cannot be treated as an evidence to the fact that financial appraisal of the project had started before 6/01/2006. Resultantly, the instant PSA does not qualify for exemption from clause 5.1 of the Tariff policy”. Thus, at the review stage there exists no further evidence to change the view and admit that the PSA is exempted. On the issue of ‘clarification’ which has now been made the basis of considering the PSA exempted, by majority decision, the Hon’ble Appellate Tribunal for Electricity, New Delhi, in its order dated 23/11/2006 in PTC India Ltd Versus CERC (appeal no. 228 & 230 of 2006) has ruled that “the reliance placed by the first respondent on the Government’s clarification also in no way advance the contention advanced on behalf of the 1st respondent. Such a clarification, assuming to support the first respondent it is not legally sustainable as the first respondent, a statutory authority, is bound to exercise powers in terms of statutory powers contained in the 2003 Act. Already Government has issued Tariff policy, National Electricity Policy, it is not known as to what required the 1st respondent to seek clarifications. Seeking such clarification is not permissible nor it is provided for in the Electricity Act, 2003 nor is it open to statutory authority like first respondent to seek such clarification and abdicate its authority and power, which it has to exercise as a statutory Quasi Judicial Authority”. Consequently, it is crystal clear that the Commission ought to have been guided by the provisions of the Act as well as the Tariff policy which makes competitive bidding for all such procurement mandatory. Neither the Act nor the National Tariff Policy provides for any clause under which a regulatory Commission, in exercise of its quasi – judicial powers, can seek any clarification and abide by it unless the Act or the Policy is amended after following the due process. Resultantly, the instant review petition should

have been rejected on the grounds ‘admissibility’ itself. Further, the ‘clarification’ is hardly in the nature of clarification as it does not clarify anything already contained in the Policy, all it does is further relax the condition from project having achieved financial closure (as per Tariff Policy) to financial appraisal (as per purported clarification dated 28th March 2006) should have started which was rightly turned down by the learned Appellate Tribunal for Electricity. Therefore any action taken on the basis of a certificate from PFC submitted by HPGCL on a post – facto basis is ultra – virus and should have been rejected.

6. Least Cost Option:

The levellised tariff of Rs. 2.32/ kWh being the least cost option or the cheapest available power even at this point of time, leave aside for next 25 years, is a myth. A look at the levellised tariff for a few project for which PPA has been signed/is to be signed establishes this fact:-

Name of the Project	COD	Levellised Tariff (Rs/kWh)
Budhil	2008-09	2.21
Karcham Wangtoo	2011-12	2.25
Teesta III	2011-12	2.08
NEEPCO (Kameng)	2010-11	1.27
Sasan	2011-12	1.19
Mundra	2011-12	2.30
SJVNL (Rampur)	2011-12	2.16

It is also pertinent to point out that HPGCL has provided working of the regulated tariff based on CERC norms for next 25 years. Whereas the fact is that CERC has not notified any norms beyond FY 2008-09. Consequently, any premises built on the existing parameters / norms may go totally haywires in the next 25 years. Thus, concluding that Rs. 2.32/kWh is competitive misplaced. More so, the majority view (first Para page no. 5) has tried to justify that Rs. 2.32/kWh approved by them is competitive by quoting tariff of a few other projects. The comparison suffers from serious flaw as Rs. 2.32/kWh in case of Amarkantak TPP phase II is levellised over 25 years after assuming a discounting factor of 12% while the tariff of projects compared with i.e. Barh TPS (NTPC), Chamera HPE III, Dulhasti HPE, Parbati II HPE (NHPC) etc. relates to

tariff of either first year of operation or a given year. Consequently, these are not comparable.

Further, it is in – appropriate for the Commission to approve a levelled rate of Rs. 2.32/kWh without even seeking the computation of the same. The requisite basis/assumptions were sought by me vide my letter dated 7/02/2008. HPGCL provided the details vide their memo no. HPGCL/FIN/REG – 206/344 dated 22/02/2008. The basis / assumptions provided by HPGCL is for a levelled rate of Rs. 2.34/kWh and not Rs. 2.32/kWh approved by the Commission. As the latter becomes a negotiated rate the entire process of approving Rs. 2.32/kWh lacks transparency.

Thus, based on the above arguments I am of the considered view that given the factual position and the provision of the Act and the Tariff policy it is in-appropriate to approve the PSA based on negotiations between two trading companies i.e. HPGCL and PTC. The procurement should have been done by the Distribution licensee i.e. UHBVNL / DHBVNL through a transparent process of competitive bidding in accordance with the Act and Guidelines on Competitive Bidding including the standard bidding documents notified by the Central Government. The tariff so determined could have then been adopted by the Commission in line with section 63 of the Act.

(T.S. Tewatia)
Member

ORDER

In terms of Section 92 (3 & 4) of the Electricity Act 2003 (Act 36 of 2003), the majority view of Sh. Bhaskar Chatterjee, Chairman and Sh. T.R. Dhaka, Member, will be the order of the Commission.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 11th March 2008.

Date: 11.03.2008

Place: Panchkula

T. S. Tewatia

(Member)

T.R.Dhaka

(Member)

Bhaskar Chatterjee

(Chairman)