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#### ODISHA ELECTRICITY REGULATORY COMMISSION

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Present : Shri G. Mohapatra, Officiating Chairperson

Shri S. K. Ray Mohapatra, Member

## Case No. 136/2023

M/s. GRIDCO Ltd. Petitioner

Vrs.

M/s. NTPC Ltd.& Others Respondents

In the matter of: Application by GRIDCO Ltd. under Section 86 (1) (b) of the Electricity

Act, 2003 read with Sections 11 (1) (e) of the OER Act, 1995 and other enabling provisions seeking approval of Power Purchase Agreement (PPA) executed on 11.08.2006 between NTPC Ltd. and GRIDCO Ltd. for purchase of power from 1980 MW (6 X 660 MW), Barh Super Thermal

Power Station (BSTPS), Stage-I, Bihar in the Eastern Region.

For Petitioner: Ms. Madhusmita Mishra, DGM (Ele.) and Sri Durga Madhab Sahoo, AGM

(Ele.)

**Respondent:** Ms. Swapna Seshadri, Advocate on behalf of M/s. NTPC Ltd. (M/s. Kanti

Bijlee Utpadan Nigam Ltd.), Ms. Sonali Pattnaik, Manager (Legal), Department of Energy, Government of Odisha, Shri Subhashree Das, AGM (RTC), OPTCL and Shri Bharat Bhadawat, Chief-Regulatory, TPCODL and Shri K.C. Nanda, G.M (Regulatory Affairs & Strategy), TPWODL do appear. None appears on behalf of the Ministry of Power, Government of India, SLDC,

TPNODL & TPSODL.

### **ORDER**

Date of hearing: 19.11.2024 Date of Order:08.01.2025

The Petitioner-M/s. GRIDCO Ltd. has filed the present petition seeking approval of the Power Purchase Agreement (PPA) executed on 11.08.2006 between NTPC Ltd. and GRIDCO Ltd. for purchase of power from 1980 MW (6 X 660 MW) Barh Super Thermal Power Station (BSTPS), Stage-I, Bihar in the Eastern Region in view of increasing demand in the State and the changed

scenario of implemented rules by the Ministry of Power (MoP), Government of India (GoI). However, based on the request of the GRIDCO, the Commission had earlier disapproved the PPA dated 11.08.2006 executed between NTPC Ltd. and GRIDCO Ltd. for the purchase of the State's share of power from 1980 MW (6 X 660 MW), Barh Super Thermal Power Station (BSTPS), Stage-I, Bihar.

- 2. Now changing its stand, in support of its prayer, the Petitioner- GRIDCO Ltd. has submitted as under:
  - During 2014, the actual load growth was not in tandem with the projection of load growth a) in the 17th EPS of CEA and therefore, the Board of Directors of GRIDCO, in their 153rd meeting had decided to surrender the allocated power from upcoming NTPC stations located outside the State to reduce the liability of payment of fixed cost burden and to protect the interests of the consumer. However, GRIDCO Ltd. in Case No.18 of 2019, had approached the Commission with the PPA dated 11.08.2006 executed between NTPC Ltd. and GRIDCO Ltd. for the purchase of State's share of power (418 MW) from 1980 MW (6 X 660 MW), Barh Super Thermal Power Station (BSTPS), Stage-I, Bihar by GRIDCO, wherein it was prayed before the Commission that the PPA was signed as per the then power requirement of the State and since the commissioning of the projects was inordinately delayed, it was constrained to arrange power from alternative sources such as OPGC Units- III & IV, M/s. JITPL, M/s. Vedanta Ltd. etc. Further, there was an enhancement of availability of power from 10% to 50% by the Ministry of Power towards the Home State quota of Darlipali Thermal Power Station. Hence, there was no necessity to avail of power from Barh STPS-I, which was not commissioned as per schedule.
  - b) Accordingly, the Commission, vide its order dated 01.11.2021 in Case No.18 of 2019, had not approved the aforesaid PPA dated 11.08.2006 in order to avoid redundant fixed cost and directed GRIDCO to approach the Ministry of Power, Government of India through the State Government for immediate deallocation of the State share of power from Barh STPS-I for Odisha. In consonance with the above directions of the Commission, the Government of Odisha had taken up the matter with the Ministry of Power, Government of India for the deallocation of Odisha's share of power from Barh STPS-I. However, the surrender of Odisha's share allocation from BSTP, Stage-I couldn't materialise in spite of MoP, GoI notification of the same.

- c) Being aggrieved by the aforesaid order dated 01.11.2021 of the Commission passed in Case No.18 of 2019, NTPC had filed an appeal before the Hon'ble APTEL vide DFR No.02 of 2022. However, the Hon'ble APTEL, vide its order dated 13.08.2024, has dismissed the appeal in Appeal No. 123 of 2023 along with IA No. 1296 of 2024 as withdrawn, leaving it open to the Commission to consider Case No. 136 of 2023 in accordance with law, without being influenced by the observations made in its earlier Order dated 01.11.2021.
- In the meantime, the 1st unit of Barh STPS-I (660 MW) achieved Commercial Operation d) w.e.f. 12.11.2021. In the prevailing situation, since the Ministry of Power (MoP), Government of India (GoI) did not deallocate power from the mentioned generating station, GRIDCO was compelled to schedule power from this unit. The Government of India has clarified that till the time of reallocation; the original beneficiary is liable to pay the fixed charges. However, later the MoP, GoI reallocated the State's share of power (139 MW) of the 1st unit to Gujurat from 11.03.2022 to 30.06.2027. Thereafter, on 01.08.2023 the 2<sup>nd</sup> unit of Barh STPS-I was put into commercial operation from which GRIDCO has an allocation of 139 MW. Further, GRIDCO has now also been allocated share from the unallocated power of this power station in view of the uniform pooling of unallocated power among the beneficiaries of the Eastern Region which has been recognized by the Commission in its order dated 16.09.2023 passed in Case No.72 of 2023. Since GRIDCO has to pay the fixed charges as per the allocated capacity shares, it is availing the said power for the State which is either being utilised for consumption of the State during exigency conditions or sold in the power market to earn additional revenue after meeting the State demand.
- e) The landed cost of power including the transmission charges & losses is approx. Rs 6.18 per unit for BSTPS and this power is being utilized during peak deficit or any exigency condition of the State such as an outage of the large units of generators for which GRIDCO would have to rely on a highly priced short-term market or over-drawl from the grid which is not advisable. The present power cost per unit from the short-term market is hovering around Rs10/unit and the availability of such power is sometimes still uncertain. Accordingly, it is prudent for the State to avail power from Barh STPS Stage-I in the interest of the State's consumers to avoid procurement of power at a high cost from the short-term market. In the instant case, since the allocation has already been made in favour of Odisha, GRIDCO Ltd. is liable to pay the fixed charges as per the Regulations. Now GRIDCO has approached the Commission for approval of the

- aforesaid PPA dated 11.08.2006 for purchase of the State share of power (418 MW) from Barh STPS Stage-I of NTPC, in view of the rising demand of the State and the notification of MoP, GoI for Resource Adequacy Planning for energy security to the State in the long run.
- f) Apart from the existing central thermal power stations, the purchase of power from the upcoming thermal power stations like NLCIL, Talabira (800 MW) and Talacher Expansion Project (660 MW) has already been approved by the Commission for meeting the future load growth taking into consideration of the forecast made by the DISCOMs as well as the 20<sup>th</sup> EPS of CEA. In addition, the Odisha Renewable Energy Policy, 2022 has been notified to accelerate the adoption of clean energy and promote the development of RE projects in the State.
- g) The Ministry of Power (MoP), Government of India (GoI), looking into the power demand and ensuring the energy security of the country, has set an ambitious target of an additional 80 GW thermal power capacity by the FY 2031-32. A provisional LGBR has been prepared by the GRIDCO considering the demand projection by the DISCOMs as well as the demand projection made in the 20<sup>th</sup> EPS of the CEA. As per the MoM dated 13.06.2024, held under the Chairmanship of the Hon'ble Minister of Power, GoI to review the progress of thermal capacity addition, the peak demand of the country has touched 250 GW and the CEA has made a revised peak demand projection of the country as 384 GW by FY 2031-32. The State's peak demand has also touched 6700 MW during the last summer due to the rapid growth of the economy as well as the domestic requirements. Though there would be an average surplus capacity in the State during the FY 2024-25 to FY 2028-29, a huge peak deficit would be observed in the said period, even if, considering the power availability from MTPS-II and BSTPS-I. Any overdrawl to meet the deficit power from the short-term market may lead to higher costs or GRID disturbances. Hence, the role of thermal capacity addition in meeting the peak as well as the state demand is inevitable and cannot be ruled out. GRIDCO is therefore maintaining a prudence check between the Thermal as well as Renewable Capacity addition to meet its requirement on various aspects like Peak deficit requirements, RPO target etc.
- h) GRIDCO has been following the MOD principle to draw cheap power for the State. However, during the exigency condition of the State or during the outage of the large units of the Generator, the power is drawn from sources like BSTPS-1, ensuring the continuous supply of power to the ultimate consumers of the State. Further, during the

- surplus and favourable market conditions, the power is sold in the market to pass on the benefits to the ultimate consumers.
- i) In response to the submissions of TPCODL, GRIDCO has submitted that unit-wise PPA approval is not feasible. As per the provisions of the extant Tariff Regulations, GRIDCO has the liability to pay the capacity charges once the Commercial Operation of the unit/s occurs or power is reverted back to the original beneficiary. In absence of the approval from the Commission, the payment made to the Generator would put GRIDCO in financial loss. Further, as per the clause 2.2.1 of the PPA dated 11.08.2006, the power allocation by the Ministry of Power, Govt. of India is an integral part of the PPA. Hence, the approval of PPA is to be accorded by the Commission for the entire allocated capacity.

## 3. The Respondent-NTPC Ltd. has made submissions as under:

- a) The Central Government continues to exercise the power of allocation of electricity as a sovereign function under the Article 73 of the Constitution of India. Such an allocation cannot be rescinded in a proceeding under Section 86(1) (b) of the Electricity Act, 2003. This Section of the Act is a statutory power that can be exercised by this Commission only if the same is not in conflict with the legislative powers being exercised by the Central Government under the Article 73 of the Constitution of India. Therefore, on the allocation of power by the MoP, GoI, there is no question of denying the approval of the PPA under Section 86 (1)(b) of the Electricity Act, 2003.
- b) The PPA, which has been in force since 2006 and is being honoured by both parties, cannot be disapproved at this stage. As admitted by GRIDCO, it has utilised the electricity from the said power station to meet its demand and also sold the power in a surplus situation to optimize its revenue. It is further admitted by GRIDCO that there is a substantial increase in the State demand and it would require the power allocated from BSTPS-1 of NTPC. Therefore, the Commission may approve the said PPA dated 11.08.2006 executed between GRIDCO & M/s. NTPC and as per the Regulation 55 of the CERC (Terms & Conditions of Tariff) Regulations, 2019, fixed charges have to be paid as long as the allocation persists.
- c) Any expenditure proposed to be incurred either on FGD or other capitalisation will be claimed by the NTPC in the tariff/truing up petitions to be filed before the Central Commission with GRIDCO, being arrayed as a Respondent. Since the FGD is yet to be implemented, the expenditure on this account will be known in due course and shall be claimed before the CERC as per the extant Tariff Regulations.

- 4. The Respondent- Ministry of Power, Government of India, has submitted that as per the records of the MoP, GoI, a quantum of 418 MW of electricity from BSTPS Stage-I was allocated to the State of Odisha vide allocation letter dated 03.07.2012. The right of MoP to allocate, reallocate and deallocate as a sovereign function under the Article 73 of the Constitution of India has been recognised by the Hon'ble High Court of Delhi in its detailed interim Order dated 01.06.2022 passed in W.P. No. 5340/2022 (BSES Rajdhani Power Limited & Anr vs Northern Regional Power Committee & Ors). In view of the same, it is submitted that the process of allocation, reallocation and deallocation is the prerogative of the MoP, GoI.
- 5. The Respondent-TPWODL has submitted that in view of the requirements of the coal-based thermal power and increase in renewable energy share as per the Government policy and taking into account the upcoming power demand scenario of the State and opinion on the Merit Order Dispatch principles, the Commission may take a decision in the matter of approval of the subject Power Purchase Agreement (PPA).
- 6. The Respondent-TPNODL has made submissions that keeping in view of the Govt. of Odisha's Energy Transition Action Plan of Non-fossil fuels, there will be a requirement to plan for a higher share of renewable energy. Further, the Commission while approving the State drawl for FY 2024-25 has not considered procurement of costly power from generating stations following the Merit Order Principle. Accordingly, in the BST order for FY 2024-25, the Commission has not approved any state drawl from Barh STPS, Stage-I. In view of the above, the Commission may decide the matter keeping in view the actual energy requirement of the State.
- 7. The Respondent-TPCODL has made submissions as under:
  - a) As per the initial offer from NTPCL, the Tariff from Barh Stage I was expected to be Rs 2.16 per kWh and the commissioning date of the first unit was planned to be in March 2009. However, there was a substantial delay in the commissioning of the Units. Unit-I was commissioned only in November 2021 and Unit-II was commissioned in August 2023. The third Unit is in the process of being commissioned. Based on the data provided in the ARR by GRIDCO the Tariff from the Power Plant works out as 5.36 Rs./kWh which is much higher than promised/estimated by NTPC at the time of signing of the PPA. Further, such tariff is not determined/discovered under Competitive Bidding.

- b) The tariff from the Plant has not been arrived at through competitive bidding which would have probably resulted in a lower tariff. However, going for the competitive bidding, at this stage, would be time-consuming, which would not be of interest to the State of Odisha. Further, the Commission has approved the Fixed Charges for FY 2024-25 from this power plant as proposed by GRIDCO. Even after considering the fixed charges from this plant, the Bulk Supply Price of GRIDCO to DISCOM has remained almost the same which indicates that the Fixed Charges can be absorbed by not disturbing the BSP to DISCOM.
- c) A surplus thermal generation will be created in the future due to the addition of renewable capacity. Hence the State needs to tread carefully when it relates to the addition of Contracted Capacity from Thermal Capacity and needs to watch how the situation pans out on the developments on the Renewable front.
- d) Discoms has experienced substantial load growth since the end of the Covid period. Such an increase has been experienced in energy requirement (MUs) as well as in the Peak Demand (MW). A thermal capacity is best suited to meet the peak demand and also the energy. Hence the capacity from Barh would be useful for meeting the spurt in load growth.
- e) At present, GRIDCO is purchasing only 139 MW firm capacity from Unit No 2. Further, the 139 MW capacity (from Unit No. 1) has been allocated to Gujarat till June 27. Moreover, the third unit is yet to be commissioned. In view of the above, it is suggested that at present, 139 MW firm capacity be approved under this proposal. The approval for the capacity of 139 MW (at present allocated to Gujarat) can be taken up in June 2027 by which time, there will be clarity on Renewable purchase penetration in the state. The approval for capacity from Unit-III can also be assessed at that point in time i.e. when the commissioning happens.
- 8. The Respondent-OPTCL has submitted that it doesn't have any objection to the Petition of GRIDCO and the Commission may pronounce its prudent order considering the facts and circumstances.

- 9. We heard the Petitioner and Respondents through hybrid mode (Virtual/Physical) and considered their written submissions and replies to the queries of the Commission. The Commission observes that:
  - a) A Power Purchase Agreement was signed between M/s. NTPC Ltd. and GRIDCO on 11.08.2006 for the supply of power from Barh STPS, Stage-II (1980 MW) known as "Principal Agreement".
  - b) The Commission, vide its order dated 01.11.2021 in Case No. 18 of 2019, had not approved the aforesaid PPA dated 11.08.2006 based on the submissions of the GRIDCO Ltd. and directed GRIDCO to take steps in coordination with the State Government for deallocation of the State share of power from Barh STPS-I. Accordingly, the Government of Odisha had taken up the matter with the Ministry of Power, Government of India for deallocation of Odisha's share of power from Barh STPS-I. However, the Government of India has clarified that till the time of reallocation, the original beneficiary is liable to pay the fixed charges.
  - The MoP, GoI has reallocated the State's share of power (139 MW) of the 1st unit to c) Gujurat from 11.03.2022 to 30.06.2027. Thereafter the power from the said unit will be reverted back to GRIDCO's portfolio. Further, on 01.08.2023 the 2nd unit of Barh STPS-I was put into commercial operation from which GRIDCO has an allocation of 139 MW. Further, GRIDCO has now also been allocated share from the unallocated power of this power station given the uniform pooling of unallocated power among the beneficiaries of the Eastern Region. As per Regulation 55 of the prevailing CERC (Terms and Conditions of Tariff Regulation) 2019, the capacity charges for the Capacity surrendered and reallocated as above shall be paid by the State(s) to whom the surrendered capacity is allocated. Except for the period of reallocation of capacity as above, the original beneficiaries of the generating station shall continue to pay the full capacity charges as per allocated capacity shares. Accordingly, GRIDCO has the liability to pay the capacity charge for the current allocation from the second unit as well as the upcoming third unit and has the liability to pay the Capacity Charges when the share of GRIDCO is reverted back from the Unit-1 (139 MW) in 2027. GRIDCO is availing the said power for the State and the same is either being utilised for State consumption during exigency conditions or sold in the power market to earn additional revenue after meeting the State demand.
  - d) GRIDCO has submitted that though the landed cost of power including the transmission charges & losses is about Rs 6.18 per unit for MTPS-II, such power is being utilized during peak deficit or any exigency conditions in the State, otherwise GRIDCO would

have to rely on a highly priced short-term market to meet the State demand in such condition. Further, the present cost of power from the short-term market is hovering around Rs10/unit and the availability of such power is uncertain. In addition, in the instant case, as the allocation of power has already been made in favour of Odisha, the liability of fixed charges for the State share of power from the subject power station lies with GRIDCO.

- e) Being aggrieved by the order dated 01.11.2021 of the Commission, NTPC had filed an appeal before the Hon'ble APTEL vide Appeal No. 123 of 2023. Pending approval for withdrawal of the aforesaid appeal from the Hon'ble APTEL, GRIDCO Ltd. has filed an application before the Commission for approval of the "Principal Agreement". Thereafter, the Commission invited suggestions/ objections from the stakeholders in this matter and in its interim Order dated 02.04.2024. In the BSP order for FY 2024-25, the Commission had allowed GRIDCO the Fixed Charges for the Barh STPS Stage-II of NTPC as per the decision of the MoP, GoI. and allowed GRIDCO to procure the same for meeting demand of the State under exigency situation like outage of 660 MW units of thermal power stations or can be traded judiciously in power market to compensate the outstanding dues of GRIDCO.
- f) In the meantime, the Hon'ble APTEL, vide its order dated 13.08.2024, has dismissed the appeal in Appeal No. 123 of 2023 along with IA No. 1296 of 2024 as withdrawn, leaving it open to the Commission to consider Case No. 136 of 2023 in accordance with law, without being influenced by the observations made in its earlier Order dated 01.11.2021.
- g) In response to the query raised by the Commission regarding FGD, NTPC has submitted that since the FGD is yet to be implemented, the expenditure on this account or other capitalisation will be ascertained in due course and shall be claimed before the CERC as per the extant Tariff Regulations.
- h) The role of thermal power in meeting the peak demand and energy requirements of the State is inevitable and cannot be ruled out in the near future. During the surplus and favourable market conditions, such power can be sold in the market and the benefits thereof can be passed on to the ultimate consumers.
- i) The Commission, vide interim order dated 20.08.2024, had directed both the Petitioner-GRIDCO and Respondent-NTPC to make necessary amendments in the Principal Agreement in view of changes in the electricity policy and regulations. Further, the Commission, vide interim order dated 19.11.2024, had directed both parties to sign the modified Supplementary PPA after resolving all the issues including the issue relating to

- LC in line with the Electricity (Amendment) Rules, 2022, and submit a copy of the same before the Commission for appraisal. Accordingly, a Supplementary Power Purchase Agreement was executed on 02.12.2024 between GRIDCO Ltd. & M/s. NTPC Ltd. and has been submitted before this Commission for approval.
- j) OPTCL, DISCOMs (TPWODL, TPNODL & TPCODL) have no objection to avail State's share of power from Barh STPS, stage-I as Commission has already allowed purchase of power from said power plant in tariff order for FY 2024-25 and accordingly, the Commission may prudently decide considering the actual energy requirement of the State.
- 10. The salient features of Principal PPA dated 11.08.2006 as well as Supplementary PPA dated 02.12.2024 executed between GRIDCO and NTPC are as follows:
  - A Power Purchase Agreement was signed by and between NTPC and GRIDCO on 11.08.2006 for the supply of power from Barh STPS, Stage-I (1980 MW) called the "Principal Agreement". Subsequent to the signing of the Power Purchase Agreement, Unit#1 (660 MW) of Barh STPS, Stage-1 has been declared commercial w.e.f. 12.11.2021, Unit#2 (660 MW) w.e.f. 01.08.2023 and Unit#3 (660 MW) is under Erection and Commissioning.
  - b) The allocation of power to GRIDCO shall be finalised after the signing of PPAs by the proposed beneficiaries. The power allocation from the "Barh STPS" will be decided by Govt. of India/ Ministry of Power and the same shall form an integral part of this PPA.
  - c) Fifteen percent capacity of the Station shall be kept unallocated at the disposal of Govt. of India and shall be subject to allocation from time to time as per the decision of the Ministry of Power. Out of this unallocated capacity, balance if any, shall be deemed to have been allocated to various Beneficiaries in proportion to their allocated shares.
  - d) The right of the Beneficiary to draw power against the above allocation shall be limited to the amount of LC opened by them. GRIDCO is to pay all the disputed dues and 95% of the disputed amount as per this agreement. In the event of default-in-opening of LC of adequate amount in favour of NTPC or payment of bills beyond a period of 45 days of billing, NTPC shall be entitled to regulate/ divert the share of GRIDCO to any other Bulk Power Customer(s)/ Third Party(ies)/Sell in Power Exchanges as per extant Gol rules/orders/CERC regulations, if any, till the time default is set right. However, for such sale of power, GRIDCO shall be liable to pay the Capacity Charges in proportion to the allocated Capacity. The surplus over Energy Charges and incidental expenses recovered from the sale of such power to other beneficiary (ies) shall be adjusted against the

- outstanding dues including LPSC and capacity charge liability of the GRIDCO in line with GOI Rules.
- e) GRIDCO shall be responsible for coordinating with the Powergrid or any Licensee or other agencies for the implementation of the transmission system for evacuation of power from the Station matching with the commissioning schedule.
- f) The Charges for utilisation of transmission system(s) owned by the PowerGrid/other Transmission Licensee for wheeling of the electricity beyond the bus bar of the Station, shall be paid directly by GRIDCO to the Powergrid or the Transmission Licensee as the case may be. NTPC shall not be responsible for the payment of such charges.
- g) The methodology of generation scheduling shall be as per the Indian Electricity Grid Code (as revised from time to time) and the decisions taken at the RPC forum.
- h) A set of Main and Check Energy Meters of 0.2 accuracy class, as per IEGC, shall be installed on all outgoing feeders of the Station by the CTU/RLDC. GRIDCO shall make all necessary arrangements for the installation of meters, at all its drawal points. Once in every four years, both main and check meters shall be tested for accuracy by a standard meter either at the station or at any approved testing laboratory. During testing, in case the error is found to be more than the permissible limits, then the meter shall be replaced by the correct meter.
- i) Both parties agree to facilitate the issue of Regional Energy Accounts by 1<sup>st</sup> day of every month. Regional Energy Account issued by ERLDC or any other Competent Authority shall be binding on all the parties for billing and payment purposes.
- j) The tariff for the electricity supplied from the station will be determined by the CERC or any other authorized competent authority from time to time.
- k) The LC shall cover 105% of one month's estimated billing in respect of power supplied from the Station to GRIDCO. This shall be in addition to the obligation of GRIDCO to establish similar letters of credit for the supply of energy to GRIDCO from all other generating Stations of NTPC. However, GRIDCO may open LC in accordance with the provisions of Late Payment Surcharge Rules 2022.
- 1) The agreement shall come into force from the date of signing of the Agreement for all purposes and intent and shall remain operative up to the completion of twenty-five (25)

years from the date of commercial operation of the last unit of the station unless it is specifically extended on mutually agreed terms.

- 11. In view of the above observations and considering the need for thermal power to meet peak demand as well as base load/energy requirements of the State in future, the Commission accords in-principle approval to the "Principal Agreement" i.e. Power Purchase Agreement dated 11.08.2006 and the Supplementary Power Purchase Agreement dated 02.12.2024 executed between M/s. NTPC Ltd. and GRIDCO Ltd. for purchase of the State's share of power (418 MW) from Barh STPS, Stage-I (1980 MW) of NTPC to ensure Energy Security of the State in the long run and to avoid procurement of power at high cost from short term market. The Supplementary Agreement shall be considered as an integral part of the Principal Power Purchase Agreement dated 11.08.2006.
- 12. The Case is accordingly disposed of.

Sd/-(S. K. Ray Mohapatra) Member Sd/-(G. Mohapatra) Officiating Chairperson