



ABSTRACT

Electricity – Supply of Power by private power producers to Tamil Nadu Electricity Board or consumers within the State – Directions under section 11 of the Electricity Act, 2003 – Notification – Issued.

Energy (C3) Department

G.O.(Ms.)No.10

Date : 27.02.2009.

Read:

From the Chairman, Tamil Nadu Electricity Board, Letter No. CE / PMM / Dir / PP / EE / ABT / F.Open access / D.203, dated 1.10.2008 and 18.12.2008.

ORDER:-

The Chairman, Tamil Nadu Electricity Board in the letters read above has stated that Tamil Nadu is presently facing a power shortage. The power availability at present is 6000 MW to 6500 MW and the deficit varies between 1500 MW and 2500 MW. Due to inadequate rainfall during the south-west monsoon, the storage position in the reservoirs as on 25.8.2008 was only 60 per cent of the corresponding period last year. The present hydel storage is only 1400 MU as against 1860 MU at the same time last year. The available hydro storage has to be judiciously utilised and regulated for the storage to last till the on-set of the next south-west monsoon. Due to this, the peak hour availability of power from hydel stations will also get reduced. The availability of power from Central Generating Stations has also substantially reduced mainly due to the fall in generation on account of fuel shortages. Tamil Nadu is currently receiving only about 1600 MW of power as against the State's entitlement of over 2800 MW. Since August 2008, the availability of wind generation has also reduced drastically to as low as between 0 and 50 MW at certain times. It is expected that the demand during the ensuing summer of 2009 may go up to 10800 MW and the deficit during the period of January 2009 to June 2009 is likely to be between 1300 MW and 2500 MW.

2. The Government have already issued directives to the Tamil Nadu Electricity Board to resort to demand side regulation measures in order to restrict supply and consumption of power by various sections of consumers. The measures presently in force for regulating supply and consumption of electricity include: load shedding for periods between 1½ hours to 2 hours in all areas of the State, imposition of 40% demand and energy cut on HT industrial and

commercial consumers, 20% energy consumption restriction for LTCT and LT industrial and commercial consumers, restriction on supply of 3 phase electricity for agricultural purposes and restriction on drawal of grid power for HT industrial and commercial consumers during evening hours (6 pm to 10 pm) and the Government is also aware that sections of consumers in the State are put to hardship as a result of the above contingency measures and accords top most priority to adoption of effective long term and short term measures which would augment power availability in the State so that the existing restrictions can be eased and sufficient power made available to all sections.

3. In this connection, the Government has directed the Tamil Nadu Electricity Board to resort to purchase of power from within and outside the State as and when available. In view of the prevailing shortages the Government has also taken the step of permitting private power producers in the State to avail of open access to sell tradable surplus power generated by them to any HT consumer within the State. As a special measure, keeping in view the restrictions already imposed on such consumers, it has also been decided to temporarily waive cross subsidy surcharges which would be collectable from such consumers under normal circumstances. Keeping in view that the current power deficit is likely to persist during the coming months, Government attaches highest priority to ensure that all power generating stations within the State should function at full capacity and make available all energy thus produced to the State grid, subject to conditions of existing supply commitments to Tamil Nadu Electricity Board and / or other consumers within the State.

4. Section 11(1) of the Electricity Act, 2003 provides that the appropriate Government may specify that a generating company shall, in extraordinary circumstances operate and maintain any generating station in accordance with the directions of that Government. Having regard to the present power shortage in the State and the likely increase in the power deficit during the coming summer months, the Government is of the view that the situation caused by the acute power shortage and the resultant hardship to the public is of such nature as to deem the situation to be an extraordinary circumstance which would justify invoking of Section 11 of the Electricity Act, 2003 in the public interest.

5. The Tamil Nadu Electricity Board is directed to take measures to purchase surplus tradable power available from generators within the State as per procedures laid down for the purpose in the Electricity Act, 2003, without detriment to the obligations and rights of such generators to supply to captive and other consumers. The Tamil Nadu Electricity Board shall provide open access for sale of power by private power generators to HT consumers within the State subject to other legal requirements in this regard being satisfied.

6. The Government, after careful examination, issue the notification, appended to this Government order, regarding the Supply of Power by private power producers to Tamil Nadu Electricity Board or consumers within the State. The notification shall come into force with immediate effect.

7. This appended notification will be published in the Tamil Nadu Government Gazette Extraordinary, dated 27th February 2009.

(BY ORDER OF THE GOVERNOR)

P.W.C. DAVIDAR,
Secretary to Government (i/c).

To

The Works Manager, Government Central Press, Chennai-79 (for publication in the Extra-ordinary Government Gazette).

✓ The Chairman, Tamil Nadu Electricity Board, Chennai-2.

Copy to:-

The Secretary, Tamil Nadu Electricity Regulatory Commission, Chennai-8.

The Senior Private Secretary to the Secretary (i/c), Energy Department, Chennai-9.

The Senior PA to the Hon'ble Minister (Electricity), Chennai-9.

The Law Department, Chennai-9.

The Private Secretary to the Chief Secretary to Government, Chennai-9.

All sections in Energy Department, Chennai-9.

Stock File / Spare Copies.

//Forwarded//By Order//

B. *[Signature]*
27.2.09
Section Officer
27/2/2009.

APPENDIXNOTIFICATION

In exercise of the Powers conferred by sub section (1) of section 11 of the Electricity Act 2003 (Central Act 36 of 2003), the Governor of Tamil Nadu hereby issues the following directions in the circumstances arising in the Public interest namely:-

- (i) All power generation units operating in Tamil Nadu shall operate and maintain generating stations to maximum capacity and Plant Load Factor (PLF); and
- (ii) All generating stations shall supply all exportable electricity generated to the State grid for supply to either Tamil Nadu Electricity Board, or to any other HT consumers within the State as per the regulations notified in this regard by the Tamil Nadu Electricity Regulatory Commission.

P.W.C. DAVIDAR,
Secretary to Government (i/c).

//True Copy//

B. S. Srinivasan
27.2.09
Section Officer.

27/2/2009.