

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram

1. Dr. Pramod Deo, Chairperson
2. Shri R.Krishnamoorthy, Member
3. Shri S.Jayaraman, Member
4. Shri V. S. Verma, Member

**Petition No 80/2009
(Suo-motu)**

In the matter of

Maintenance of Grid Discipline – Compliance of provisions of the Indian Electricity Grid Code.

And in the matter of

1. Transmission Corporation of Andhra Pradesh Ltd., Hyderabad
2. Shri Suthirtha Bhattacharya, Chairman & Managing Director,
Transmission Corporation of Andhra Pradesh Ltd., Hyderabad

Respondents

Following were present on behalf of the parties

1. Shri Sanjay Sen, Advocate, APTRANSCO
2. Shri S. N. Murthy, APTRANSCO
3. Shri K. Ramakrishna, SRLDC
4. Shri Ajit Singh, SRPC

**ORDER
(Date of Hearing: 21.4.2009)**

The Indian Electricity Grid Code (the Grid Code). specified by the Commission in exercise of powers under Section 178 of the Electricity Act, 2003 (the Act), as applicable from 1.4.2009, lays down at paras 5.4.2(a) and 6.4.7 that the State utilities shall endeavor to restrict their net drawl from the grid to their respective drawl schedule whenever the system frequency is below 49.5 Hz. However, manual load shedding has to be carried out to curtail over-drawl when the grid frequency falls below 49.2 Hz. The extracts of relevant paras of the Grid Code are reproduced below:

“5.4.2 Manual Demand Disconnection

(a) As mentioned elsewhere, the constituents shall endeavour to restrict their net drawl from the grid to within their respective drawl schedules whenever the system frequency is below 49.5 Hz. When the frequency

falls below 49.2 Hz, requisite load shedding (manual) shall be carried out in the concerned State to curtail the over-drawal.”

“6.4 *Demarcation of responsibilities*

7. *Provided that the States, through their SLDCs, shall always endeavour to restrict their net drawal from the grid to within their respective drawal schedules, whenever the system frequency is below 49.5 Hz. When the frequency falls below 49.2 Hz, requisite load shedding shall be carried out in the concerned State(s) to curtail the over-drawal.”*

2. It was reported by the Southern Regional Load Despatch Centre that despite continuous efforts made at various levels, the first respondent recklessly over-drew electricity from the regional grid at frequency below 49.2 Hz during the period 1.4.2009 to 9.4.2009. The Southern Regional Load Despatch Centre compiled the date-wise details of over-drawals by the first respondent during the said period based on the Real Time SCADA values received, as given hereunder:

STATEMENT OF OVER-DRAWL

Ser No	Date	Over-drawl in MU	Over-drawl in MW
APRIL 2009			
1.	1-Apr-09	1.60	662
2.	2-Apr-09	1.90	665
3.	3-Apr-09	1.09	414
4.	4-Apr-09	1.61	523
5.	5-Apr-09	1.45	652
6.	6-Apr-09	3.02	618
7.	7-Apr-09	0.92	422
8.	8-Apr-09	1.39	316
9.	9-Apr-09	1.49	480

3. The time-block-wise data of over-drawl by the first respondent at frequency below 49.2 Hz during the period also based on the Real Time SCADA values as received from the Southern Regional Load Despatch Centre, revealed that the first respondent over-drew from the regional grid during 400 time-blocks of 15 minutes each, the details of which are contained in the **Annexure I** attached to this order.

4. On perusal of the details *prima facie*, it was found that the first respondent was contravening the provisions of the Grid Code. Therefore, the first respondent by order dated 13.4.2009 was directed to show cause as to why it should not be held guilty of contravention of and non-compliance with the provisions of the Grid Code and penalty under Section 142 of the Act be not imposed on it. Similarly, the second respondent, was also issued the show cause notice under section 149 of the Act to explain as to why, as the person in charge of and responsible to the first respondent for conduct of its business, he should also not be deemed guilty of the offence of contravention of and non-compliance with the provisions of the Grid Code, and punished accordingly along with the first respondent. All necessary details as per Annexure I were appended to the show cause notice dated 13.4.2009.

5. The common replies have been filed by the respondents.

6. The respondents have explained that the demand for electricity in the State rose to 230 MU during the Rabi season and there had been an unprecedented increase in demand by 40 MU of electricity during April 2009, as compared to the demand during the same month in the previous years. The respondents have further stated that over-draws for April 2009 were much less than those for March 2009. The respondents have submitted that daily over-draws for six days was within 3% limit permissible and over-draws for the remaining three days were close to be specified limit of 3%. According to the respondents, they have been responding to the directives of the Southern Regional Load Dispatch Centre promptly, except in very few occasions there are so the action was taken though belatedly.

7. The respondents have specified the efforts made by them to curtail over-drawl. It has been explained that despite strong protests from the general public, the load-

shedding was increased to about 308.8 MU against the load-shedding of 164.84 MU in February 2009. The respondents have stated that on account of short supply and despite the efforts made for procurement of gas, five gas-based generating stations in the State were lying idle. Besides, the respondents are stated to have taken steps to import coal for the thermal generating stations in the State. In the additional affidavit filed on behalf of the respondents it has been stated that after the receipt of the show cause notice, serious efforts were made to strictly comply with the regulations of the Commission. They are stated to have got additional generation of 750 MW from 15.4.2009.

8. The respondents have argued that there were no willful or deliberate over-draws from the grid and have prayed to drop the proceedings initiated against them.

9. We heard learned counsel for the respondents and also their representative and the representatives of the Southern Regional Load Despatch Centre and Southern Regional Power Committee.

10. We have very carefully considered the replies. The first respondent has not denied the fact of over-draw but has only sought to justify by stating that it was forced to over-draw from the grid because of the unavoidable circumstances such as shortage of gas, coal, etc., and increase of demand. In the replies, they have also listed the measures taken. The respondents in the reply have not even remotely suggested that there was no over-draw on the occasions listed in Annexure I.

11. We may unhesitatingly say that the reasons for over-drawl narrated by the respondents cannot justify the misappropriation of other constituents' share in the

region, and that too when the frequency was precariously low. There is general scarcity of power in the country including other States in Southern Region, and as such there cannot be any justification for violation of the provisions of the Grid Code nor for the over-drawl from the grid at the cost of other constituents of the region. The first respondent cannot be permitted to eat into others shares, when the grid was in the precarious state facing imminent danger. The action is all the more contemptible when it has the potential to jeopardize the grid security and stability. We are also not able to persuade ourselves to accept the contention of the first respondent that the situation faced by the State during the period in question was extraordinary. The circumstances narrated by respondents are of recurring nature. It is expected of the first respondent to undertake necessary steps to tackle and overcome the situation of scarcity. There is no alternative to load-shedding to bring the situation to normalcy in case other measures for procurement of power do not yield the necessary relief. The State machinery should be geared to meet the situations of load-shedding.

12. The respondents in the reply have pointed out certain measures to meet the situation of shortage of power. By taking those measures, the first respondent had only been discharging its responsibility towards grid discipline. However, in the light of the situation that has emerged before us, all we can say is that those measures proved to be inadequate and insufficient. In order to curb over-drawl and restrict the drawl within the permissible limit specified in the Grid Code, much more was expected of the first respondent. But the first respondent has failed to come up to the expectations.

13. Learned counsel for the respondents placed strong reliance on the judgment of the Appellate Tribunal dated 13.9.2007 in **Appeal No. 115/2007 (B. M. Verma Vs Uttarakhand Electricity Regulatory Commission)** to impress that mens rea was the necessary ingredient of any offence. Learned counsel argued that since there was no ill

motive to over-draw electricity from the regional grid and over-draw was to meet the requirements of electricity because of scarcity, the respondents could not be held guilty. Learned counsel referred to the portion of the judgment of the Appellate Tribunal extracted hereunder-

“10. Firstly, mens rea is the basic ingredient of any offence. Mere non-compliance with an order could not be sufficient to take penal action. It was necessary for the Commission to obtain evidence of mens rea or culpable state of mind before holding the appellant guilty of a punishable offence. A mere failure to meet a deadline in complying with an order cannot be an offence. Section 142 of The Electricity Act 2003 does not create an absolute offence.

11. Secondly, the burden of proof has to be on prosecution and not on the defense. It appears from the order that it was appellant who was made to prove his innocence rather than the prosecution made to prove the guilt. Only when mens rea was established could the Commission shift the onus on the appellant. But the Commission from the very outset proceeded with a presumption of guilt and put the entire onus on the appellant. This is entirely against all principles of criminal justice.

12. Thirdly, no one can be punished on the basis of sheer suspicion. The guilt has to be proved beyond doubt. The Commission has punished the appellant not on a categorical finding of willful or contumacious default but because it was “unable to accept the contention that UPPCL’s officers have been serious and earnest about the issue” and on that basis concluded that “Mr.Verma had made no serious attempt to implement the Commission’s repeated irections” and that he “has consciously been flouting them”. There is absolutely no analysis of the procedure required to be followed for acquiring MRIs or of availability of MRIs in the market. The Commission could also examine and verify the efforts made by the UPPCL. Only after such an analysis the Commission could have arrived at a finding that the excuse of unavoidable delay was really sham. Similarly the finding that ‘failure to raise bills on the basis of MRI readings, even when available raises serious questions about the motive behind continued slow pedaling of this matter’ is only an expression of suspicion. No conviction or penal action can be justified on this basis.”

14. In our view the contention of learned counsel is not correct. Mens rea is an element of most of the criminal offences. However, in the present proceedings, the first respondent has been charged of the civil offence of contravention of and non-compliance with the provisions of the Grid Code. The concept of mens rea does not come into play in such cases. This view draws sustenance from a catena of the

judgments of the Hon'ble Supreme Court. The Hon'ble Supreme Court in **Chairman,**

SEBI v. Shriram Mutual Fund [(2006) 5 SCC 361] held that -

“29.....In our opinion, mens rea is not an essential ingredient for contravention of the provisions of a civil Act. In our view, the penalty is attracted as soon as contravention of the statutory obligations as contemplated by the Act is established and, therefore, the intention of the parties committing such violation becomes immaterial. In other words, the breach of a civil obligation which attracts penalty under the provisions of an Act would immediately attract the levy of penalty irrespective of the fact whether the contravention was made by the defaulter with any guilty intention or not. This apart, unless the language of the statute indicates the need to establish the element of mens rea, it is generally sufficient to prove that a default in complying with the statute has occurred.....

.....

35. In our considered opinion, penalty is attracted as soon as the contravention of the statutory obligation as contemplated by the Act and the Regulations is established and hence the intention of the parties committing such violation becomes wholly irrelevant. A breach of civil obligation which attracts penalty in the nature of fine under the provisions of the Act and the Regulations would immediately attract the levy of penalty irrespective of the fact whether contravention must be made by the defaulter with guilty intention or not. We also further held that unless the language of the statute indicates the need to establish the presence of mens rea, it is wholly unnecessary to ascertain whether such a violation was intentional or not.”

15. Similarly, in **Director of Enforcement v. MCTM Corpn. (P) Ltd. [(1996) 2 SCC**

471 the Hon'ble Supreme Court ruled that

“8. It is thus the breach of a ‘civil obligation’ which attracts ‘penalty’ under Section 23(1)(a), FERA, 1947 and a finding that the delinquent has contravened the provisions of Section 10, FERA, 1947 that would immediately attract the levy of ‘penalty’ under Section 23, irrespective of the fact whether the contravention was made by the defaulter with any ‘guilty intention’ or not. Therefore, unlike in a criminal case, where it is essential for the ‘prosecution’ to establish that the ‘accused’ had the necessary guilty intention or in other words the requisite ‘mens rea’ to commit the alleged offence with which he is charged before recording his conviction, the obligation on the part of the Directorate of Enforcement, in cases of contravention of the provisions of Section 10 of FERA, would be discharged where it is shown that the ‘blameworthy conduct’ of the delinquent had been established by wilful contravention by him of the provisions of Section 10,

FERA, 1947. It is the delinquency of the defaulter itself which establishes his 'blameworthy' conduct, attracting the provisions of Section 23(1)(a) of FERA, 1947 without any further proof of the existence of 'mens rea'. Even after an adjudication by the authorities and levy of penalty under Section 23(1)(a) of FERA, 1947, the defaulter can still be tried and punished for the commission of an offence under the penal law,....

* * *

12. *In Corpus Juris Secundum, Vol. 85, at p. 580, para 1023, it is stated thus:*

'A penalty imposed for a tax delinquency is a civil obligation, remedial and coercive in its nature, and is far different from the penalty for a crime or a fine or forfeiture provided as punishment for the violation of criminal or penal laws.'

13. *We are in agreement with the aforesaid view and in our opinion, what applies to 'tax delinquency' equally holds good for the 'blameworthy' conduct for contravention of the provisions of FERA, 1947. We, therefore, hold that mens rea (as is understood in criminal law) is not an essential ingredient for holding a delinquent liable to pay penalty under Section 23(1)(a) of FERA, 1947 for contravention of the provisions of Section 10 of FERA, 1947 and that penalty is attracted under Section 23(1)(a) as soon as contravention of the statutory obligation contemplated by Section 10(1)(a) is established. The High Court apparently fell in error in treating the 'blameworthy conduct' under the Act as equivalent to the commission of a 'criminal offence', overlooking the position that the 'blameworthy conduct' in the adjudicatory proceedings is established by proof only of the breach of a civil obligation under the Act, for which the defaulter is obliged to make amends by payment of the penalty imposed under Section 23(1)(a) of the Act irrespective of the fact whether he committed the breach with or without any guilty intention."*

16. In this regard, the Bombay High Court has succinctly summed up the position regarding applicability of the principle of mens rea to the two categories of offences, civil and criminal in **SEBI v. Cabot International Capital Corporation [(2005) 123 Comp Cas 841 (Bombay)]** as under -

"47. Thus, the following extracted principles are summarised:

(A) Mens rea is an essential or sine qua non for criminal offence.

(B) A straitjacket formula of mens rea cannot be blindly followed in each and every case. The scheme of a particular statute may be diluted in a given case.

(C) If, from the scheme, object and words used in the statute, it appears that the proceedings for imposition of the penalty are adjudicatory in nature, in contradistinction to criminal or quasi-criminal proceedings, the determination is of the breach of the civil obligation by the offender. The word 'penalty' by itself will not be determinative to conclude the nature of proceedings being criminal or quasi-criminal. The relevant considerations being the nature of the functions being discharged by the authority and the determination of the liability of the contravenor and the delinquency.

(D) Mens rea is not essential element for imposing penalty for breach of civil obligations or liabilities.

(E) There can be two distinct liabilities, civil and criminal, under the same Act.

17. It appears to us that the above judgments of the Hon'ble Supreme Court and the Bombay High Court were not brought to the notice of the Appellate Tribunal in B. M. Verma's case (supra), which has been decided based on its own facts. Under Article 141 of the Constitution of India the law declared by the Hon'ble Supreme Court is binding on every authority in the country. In the light of law declared by the Hon'ble Supreme Court as referred to above, we hold that mens rea is not a necessary ingredient of the offence of contravention of and non-compliance with the provisions of the Grid Code in the proceedings under Section 142 of the Act, the offence being of civil nature and not a criminal offence since, when held guilty, it culminates in imposition of penalty. In any case, over-drawls were willful and intentional since they continued unabated. The element of mens rea even if considered to be necessary stands proved.

18. In the light of above discussion, we hold the first respondent guilty of contravention of and non-compliance with the provisions of the Grid Code extracted above.

19. This leaves the question of penalty that may be imposed on the first respondent. In the light of the fact that the amended provisions of the Grid Code have come into force only on 1.4.2009, and prior thereto specified operating range was between 50.5 Hz to 49.0 Hz, we feel that some time should have been available to the first respondent to overcome the psychological limitations and for switch-over to new regimen. This is also one of the submissions made by the respondents in the replies. We propose to take this factor into consideration while considering imposition of penalty.

20. We feel that the incidents of over-drawl below frequency below 49.0 Hz only may be taken into consideration for the purpose of penalty in the present proceedings. As a result, over-drawls at frequency between 49.0 Hz and 49.2 Hz are being ignored. This shall, however, not be quoted as a precedent in any other proceedings of similar nature in future.

21. In the present proceedings the instances of over-drawl are as many as 400 at frequency below 49.2 Hz. However, in view of what has been stated in the preceding para, there were 122 occasions when frequency was below 49.0 Hz, the details of which are contained in the Annexure II attached to this order. Section 142 of the Act empowers the Commission to impose a penalty not exceeding Rs. one lakh for “**each contravention**”. We feel that the circumstances warrant that penalty is imposed on the first respondent for each contravention at frequency below 49.0 HZ. Accordingly, we are satisfied that penalty of Rs. one lakh for each of the 122 contraventions shall meet the ends of justice. We direct accordingly. Thus, against 122 contraventions, the first respondent shall pay a total penalty of Rs. 1.22 crore, Rs. one lakh against each contravention at frequency below 49.0 Hz. The penalty shall be deposited latest by 31.5.2009.

22. In terms of sub-section (1) of Section 149 of the Act, where an offence under the Act has been committed by company, every person who at the time the offence was committed was in charge and was responsible to the company for the conduct of business, as well as the company, are deemed to be guilty of having committed the offence and such person is liable to be proceeded against and punished accordingly. Proviso to sub-section (1) provides that the person referred to in sub-section (1) shall not be liable to any punishment if he proves that the offence was committed without his knowledge or he had exercised due diligence to prevent the Commission of the offence.

23. The respondents in their replies have stated that second respondent is an entity separate from the first respondent and in any event there was no occasion whatsoever for proposing any personal penalty on the second respondent, as he could not be considered as an Officer-in-charge for the conduct of grid operation or other functions of the SLDC, notwithstanding that the organisation (the first respondent) he was heading and discharging the SLDC functions.

24. There is no dispute that under the orders of the State Government of Andhra Pradesh the first respondent is responsible for procurement of power on behalf of the distribution companies in the State. Therefore, as a nodal agency in the State, the first respondent is responsible for drawl of power from the regional grid. There can be no denial that the second respondent is responsible for management of affairs of the first respondent. Therefore, the provisions of Section 149 are attracted. In fact, when it was pointed out at the hearing, learned counsel conceded that a violation was violation in any case.

25. From the evidence placed on record, it does not follow that the second respondent made any efforts or issued any directions for curtailment of over-drawl during

the period in question at frequency below 49.0 Hz. Under these circumstances, it cannot be said that non-compliance of the provisions of the IEGC was committed by the first respondent without the second respondent's knowledge or that he exercised due diligence to ensure compliance of provisions of the IEGC. Therefore, his case does not fall within the scope of proviso to sub-section (1) of Section 149 of the Act.

26. The offence of contravention of and non-compliance with the provision of the Grid Code against the first respondent is established as already discussed. As a natural corollary, guilt of the second respondent by applying the deeming provisions of Section 149 also gets established. Thus, he is also deemed to be guilty of non-compliance of provision of the Grid Code, along with the first respondent.

27. The second respondent is directed to personally appear before the Commission on 4.6.2009 for a hearing on the question of penalty.

Sd/-
[V. S. VERMA]
MEMBER

Sd/-
[S. JAYARAMAN]
MEMBER

Sd/-
[R. KRISHNAMOORTHY]
MEMBER

Sd/-
[DR. PRAMOD DEO]
CHAIRPERSON

New Delhi, dated 11th May 2009

STATEMENT OF OVERDRAWAL BY APTRANSCO
AT FREQUENCY BELOW 49.2

Sl.No	Date	Time Block	Frequency	Overdrawal (MW)
1.	1-Apr-09	1	48.74	20
2.	1-Apr-09	2	49.00	98
3.	1-Apr-09	3	49.15	15
4.	1-Apr-09	6	49.08	30
5.	1-Apr-09	7	49.05	8
6.	1-Apr-09	8	49.16	7
7.	1-Apr-09	10	49.14	467
8.	1-Apr-09	11	49.14	368
9.	1-Apr-09	14	48.94	533
10.	1-Apr-09	15	49.15	287
11.	1-Apr-09	17	49.06	342
12.	1-Apr-09	18	49.06	264
13.	1-Apr-09	19	48.98	229
14.	1-Apr-09	20	49.11	156
15.	1-Apr-09	22	48.92	115
16.	1-Apr-09	23	49.07	84
17.	1-Apr-09	26	49.11	400
18.	1-Apr-09	27	49.02	243
19.	1-Apr-09	28	49.03	211
20.	1-Apr-09	30	49.08	150
21.	1-Apr-09	31	49.17	129
22.	1-Apr-09	33	49.19	344
23.	1-Apr-09	37	49.14	160
24.	1-Apr-09	38	49.07	185
25.	1-Apr-09	39	49.04	200
26.	1-Apr-09	41	49.02	23
27.	1-Apr-09	42	49.01	106
28.	1-Apr-09	46	49.01	6
29.	1-Apr-09	47	48.95	101
30.	1-Apr-09	50	49.07	17
31.	1-Apr-09	52	48.73	3
32.	1-Apr-09	54	48.70	6
33.	1-Apr-09	58	49.19	31
34.	1-Apr-09	63	49.19	30
35.	1-Apr-09	79	49.08	120
36.	1-Apr-09	84	49.12	30
37.	1-Apr-09	86	49.18	16
38.	1-Apr-09	93	49.14	75
39.	1-Apr-09	95	49.18	106
40.	1-Apr-09	96	49.18	72
41.	2-Apr-09	1	48.98	267

42.	2-Apr-09	2	49.12	205
43.	2-Apr-09	4	49.19	103
44.	2-Apr-09	5	49.17	107
45.	2-Apr-09	6	49.10	133
46.	2-Apr-09	7	49.13	87
47.	2-Apr-09	9	49.13	481
48.	2-Apr-09	10	48.94	304
49.	2-Apr-09	11	49.08	194
50.	2-Apr-09	13	49.11	299
51.	2-Apr-09	14	49.06	213
52.	2-Apr-09	15	49.20	191
53.	2-Apr-09	16	49.19	204
54.	2-Apr-09	17	49.11	268
55.	2-Apr-09	18	48.97	357
56.	2-Apr-09	19	49.00	330
57.	2-Apr-09	20	49.04	353
58.	2-Apr-09	21	49.06	209
59.	2-Apr-09	22	48.96	224
60.	2-Apr-09	23	49.14	123
61.	2-Apr-09	24	49.14	45
62.	2-Apr-09	26	49.01	330
63.	2-Apr-09	27	49.13	269
64.	2-Apr-09	28	49.19	203
65.	2-Apr-09	30	49.17	208
66.	2-Apr-09	31	49.18	201
67.	2-Apr-09	34	49.18	243
68.	2-Apr-09	36	49.18	179
69.	2-Apr-09	37	49.16	171
70.	2-Apr-09	38	49.19	281
71.	2-Apr-09	39	49.06	327
72.	2-Apr-09	43	49.06	128
73.	2-Apr-09	46	49.13	142
74.	2-Apr-09	47	48.99	208
75.	2-Apr-09	48	49.15	130
76.	2-Apr-09	50	49.14	46
77.	2-Apr-09	51	49.19	83
78.	2-Apr-09	58	49.15	30
79.	2-Apr-09	66	49.19	84
80.	2-Apr-09	76	48.86	214
81.	2-Apr-09	82	49.13	2
82.	2-Apr-09	83	49.14	10
83.	2-Apr-09	86	49.16	109
84.	2-Apr-09	87	49.19	85
85.	2-Apr-09	89	48.75	30
86.	2-Apr-09	93	48.99	69
87.	2-Apr-09	95	49.15	13
88.	3-Apr-09	1	48.96	172
89.	3-Apr-09	2	49.15	45
90.	3-Apr-09	6	49.16	137
91.	3-Apr-09	10	49.14	269

92.	3-Apr-09	17	49.14	159
93.	3-Apr-09	18	49.13	126
94.	3-Apr-09	19	49.16	68
95.	3-Apr-09	20	49.14	41
96.	3-Apr-09	21	49.13	257
97.	3-Apr-09	22	49.01	175
98.	3-Apr-09	23	49.03	70
99.	3-Apr-09	30	49.16	44
100.	3-Apr-09	31	49.14	26
101.	3-Apr-09	32	49.19	25
102.	3-Apr-09	33	49.18	304
103.	3-Apr-09	34	49.02	184
104.	3-Apr-09	37	49.19	139
105.	3-Apr-09	38	49.10	217
106.	3-Apr-09	42	49.05	79
107.	3-Apr-09	43	49.09	48
108.	3-Apr-09	47	49.17	247
109.	3-Apr-09	54	48.91	4
110.	3-Apr-09	55	49.02	40
111.	3-Apr-09	56	48.94	42
112.	3-Apr-09	58	49.08	85
113.	3-Apr-09	59	49.13	110
114.	3-Apr-09	60	49.10	18
115.	3-Apr-09	61	49.13	19
116.	3-Apr-09	68	49.06	8
117.	3-Apr-09	76	49.15	86
118.	3-Apr-09	79	49.15	7
119.	3-Apr-09	80	49.15	8
120.	3-Apr-09	85	48.97	182
121.	3-Apr-09	86	49.07	102
122.	3-Apr-09	88	49.10	207
123.	3-Apr-09	89	48.88	115
124.	3-Apr-09	90	48.69	14
125.	3-Apr-09	93	48.72	43
126.	4-Apr-09	3	49.19	1
127.	4-Apr-09	4	49.19	23
128.	4-Apr-09	6	49.16	161
129.	4-Apr-09	7	49.15	218
130.	4-Apr-09	8	49.18	290
131.	4-Apr-09	10	49.16	367
132.	4-Apr-09	11	49.13	357
133.	4-Apr-09	18	49.18	127
134.	4-Apr-09	19	49.18	71
135.	4-Apr-09	21	49.11	119
136.	4-Apr-09	22	49.10	54
137.	4-Apr-09	28	49.16	70
138.	4-Apr-09	29	49.18	23
139.	4-Apr-09	30	49.19	71
140.	4-Apr-09	33	49.19	192
141.	4-Apr-09	34	49.11	131

142	4-Apr-09	35	49.04	143
143	4-Apr-09	38	49.17	175
144	4-Apr-09	39	49.08	122
145	4-Apr-09	46	48.60	25
146	4-Apr-09	47	48.75	92
147	4-Apr-09	48	48.99	159
148	4-Apr-09	52	49.15	128
149	4-Apr-09	54	49.07	147
150	4-Apr-09	55	49.06	177
151	4-Apr-09	56	49.13	81
152	4-Apr-09	58	48.98	285
153	4-Apr-09	59	49.18	125
154	4-Apr-09	60	49.08	178
155	4-Apr-09	61	49.15	120
156	4-Apr-09	62	49.09	102
157	4-Apr-09	63	49.09	84
158	4-Apr-09	67	49.15	360
159	4-Apr-09	68	49.17	234
160	4-Apr-09	79	49.13	2
161	4-Apr-09	81	49.09	3
162	4-Apr-09	82	49.13	13
163	4-Apr-09	85	48.90	104
164	4-Apr-09	86	49.15	169
165	4-Apr-09	87	49.18	224
166	4-Apr-09	89	48.84	229
167	4-Apr-09	90	48.82	108
168	4-Apr-09	91	48.81	39
169	4-Apr-09	92	48.98	18
170	4-Apr-09	94	49.01	60
171	4-Apr-09	95	49.05	85
172	4-Apr-09	96	49.10	192
173	5-Apr-09	10	49.09	68
174	5-Apr-09	11	49.05	81
175	5-Apr-09	12	49.13	85
176	5-Apr-09	13	49.10	201
177	5-Apr-09	14	48.87	147
178	5-Apr-09	15	48.95	71
179	5-Apr-09	16	48.94	89
180	5-Apr-09	17	48.95	151
181	5-Apr-09	18	49.03	83
182	5-Apr-09	19	49.04	18
183	5-Apr-09	20	48.99	10
184	5-Apr-09	21	49.03	203
185	5-Apr-09	22	49.03	210
186	5-Apr-09	23	49.18	284
187	5-Apr-09	32	49.02	183
188	5-Apr-09	33	48.71	459
189	5-Apr-09	34	49.04	117
190	5-Apr-09	37	49.18	5
191	5-Apr-09	38	48.98	142

192	5-Apr-09	39	49.00	127
193	5-Apr-09	44	49.04	7
194	5-Apr-09	46	49.11	137
195	5-Apr-09	47	48.94	239
196	5-Apr-09	50	48.71	94
197	5-Apr-09	51	48.94	29
198	5-Apr-09	55	48.80	46
199	5-Apr-09	56	49.02	117
200	5-Apr-09	57	49.15	111
201	5-Apr-09	58	49.04	164
202	5-Apr-09	59	49.07	82
203	5-Apr-09	60	49.12	99
204	5-Apr-09	61	48.98	109
205	5-Apr-09	66	49.15	260
206	5-Apr-09	85	49.11	4
207	5-Apr-09	89	49.15	255
208	5-Apr-09	90	49.10	269
209	5-Apr-09	91	49.14	264
210	5-Apr-09	93	49.09	220
211	5-Apr-09	94	49.12	190
212	6-Apr-09	1	48.86	174
213	6-Apr-09	2	48.82	140
214	6-Apr-09	3	49.05	150
215	6-Apr-09	5	49.19	233
216	6-Apr-09	6	49.14	280
217	6-Apr-09	7	49.18	312
218	6-Apr-09	10	48.92	280
219	6-Apr-09	11	48.99	237
220	6-Apr-09	12	49.03	246
221	6-Apr-09	13	49.12	402
222	6-Apr-09	14	48.93	441
223	6-Apr-09	15	49.03	301
224	6-Apr-09	18	49.04	252
225	6-Apr-09	19	48.98	197
226	6-Apr-09	20	48.90	214
227	6-Apr-09	21	48.93	585
228	6-Apr-09	22	48.77	532
229	6-Apr-09	23	48.81	360
230	6-Apr-09	24	49.15	414
231	6-Apr-09	27	49.10	260
232	6-Apr-09	28	49.16	182
233	6-Apr-09	30	49.19	327
234	6-Apr-09	31	49.16	360
235	6-Apr-09	32	49.17	400
236	6-Apr-09	33	49.19	549
237	6-Apr-09	36	49.09	318
238	6-Apr-09	37	49.11	250
239	6-Apr-09	38	49.12	353
240	6-Apr-09	39	49.10	299
241	6-Apr-09	40	49.19	244

242	6-Apr-09	41	49.01	89
243	6-Apr-09	42	48.76	53
244	6-Apr-09	44	48.72	1
245	6-Apr-09	47	48.80	180
246	6-Apr-09	50	48.94	83
247	6-Apr-09	51	48.68	42
248	6-Apr-09	52	48.69	30
249	6-Apr-09	53	48.97	52
250	6-Apr-09	54	48.75	7
251	6-Apr-09	56	48.87	16
252	6-Apr-09	57	49.12	122
253	6-Apr-09	58	49.05	118
254	6-Apr-09	59	49.04	22
255	6-Apr-09	60	48.97	22
256	6-Apr-09	61	49.00	87
257	6-Apr-09	62	49.12	100
258	6-Apr-09	63	49.03	102
259	6-Apr-09	64	49.01	25
260	6-Apr-09	66	49.09	163
261	6-Apr-09	67	49.17	266
262	6-Apr-09	68	49.07	202
263	6-Apr-09	69	49.16	320
264	6-Apr-09	70	49.11	238
265	6-Apr-09	71	49.10	210
266	6-Apr-09	76	48.85	67
267	6-Apr-09	81	48.90	111
268	6-Apr-09	82	48.83	92
269	6-Apr-09	85	48.86	2
270	6-Apr-09	89	48.77	114
271	6-Apr-09	90	48.74	100
272	6-Apr-09	91	48.90	31
273	7-Apr-09	13	49.05	52
274	7-Apr-09	14	48.65	55
275	7-Apr-09	15	48.62	38
276	7-Apr-09	16	48.67	8
277	7-Apr-09	17	48.91	32
278	7-Apr-09	18	48.82	108
279	7-Apr-09	19	48.96	67
280	7-Apr-09	20	48.95	104
281	7-Apr-09	21	48.95	91
282	7-Apr-09	22	48.81	31
283	7-Apr-09	26	49.16	84
284	7-Apr-09	43	48.59	1
285	7-Apr-09	45	48.82	21
286	7-Apr-09	46	48.62	53
287	7-Apr-09	47	48.73	8
288	7-Apr-09	48	49.14	83
289	7-Apr-09	51	48.89	72
290	7-Apr-09	52	48.69	104
291	7-Apr-09	55	48.61	8

292	7-Apr-09	56	48.68	42
293	7-Apr-09	57	49.08	212
294	7-Apr-09	58	48.98	248
295	7-Apr-09	59	48.82	275
296	7-Apr-09	60	48.83	55
297	7-Apr-09	62	48.74	3
298	7-Apr-09	63	48.81	22
299	7-Apr-09	64	48.82	21
300	7-Apr-09	66	48.97	52
301	7-Apr-09	67	48.90	105
302	7-Apr-09	68	49.06	20
303	7-Apr-09	80	49.10	10
304	7-Apr-09	81	49.17	29
305	7-Apr-09	82	49.14	51
306	7-Apr-09	83	49.11	92
307	7-Apr-09	84	49.17	64
308	7-Apr-09	85	49.12	91
309	7-Apr-09	86	48.91	108
310	7-Apr-09	87	49.08	74
311	7-Apr-09	88	49.26	51
312	7-Apr-09	89	48.75	184
313	7-Apr-09	90	48.66	82
314	7-Apr-09	91	48.68	77
315	7-Apr-09	92	48.92	44
316	7-Apr-09	93	49.05	51
317	7-Apr-09	94	49.04	57
318	7-Apr-09	95	49.14	73
319	7-Apr-09	96	49.16	8
320	8-Apr-09	17	49.12	17
321	8-Apr-09	18	49.08	105
322	8-Apr-09	19	49.05	141
323	8-Apr-09	20	48.99	116
324	8-Apr-09	21	48.83	85
325	8-Apr-09	22	48.64	85
326	8-Apr-09	35	49.18	31
327	8-Apr-09	37	49.19	75
328	8-Apr-09	38	49.09	168
329	8-Apr-09	39	49.05	120
330	8-Apr-09	40	49.11	78
331	8-Apr-09	41	49.16	77
332	8-Apr-09	42	49.01	160
333	8-Apr-09	43	49.01	123
334	8-Apr-09	44	49.05	29
335	8-Apr-09	45	49.05	60
336	8-Apr-09	46	48.87	67
337	8-Apr-09	47	48.98	99
338	8-Apr-09	50	49.17	189
339	8-Apr-09	51	48.98	143
340	8-Apr-09	52	49.03	129
341	8-Apr-09	54	49.06	161

342	8-Apr-09	55	48.97	183
343	8-Apr-09	56	49.01	203
344	8-Apr-09	57	49.13	129
345	8-Apr-09	58	48.88	156
346	8-Apr-09	59	49.01	191
347	8-Apr-09	60	48.83	132
348	8-Apr-09	61	48.96	163
349	8-Apr-09	62	49.05	182
350	8-Apr-09	63	49.15	209
351	8-Apr-09	64	49.16	125
352	8-Apr-09	66	49.11	141
353	8-Apr-09	67	49.16	106
354	8-Apr-09	68	49.17	129
355	8-Apr-09	69	49.16	66
356	8-Apr-09	76	49.07	171
357	8-Apr-09	78	49.14	135
358	8-Apr-09	79	48.94	12
359	8-Apr-09	87	49.15	165
360	8-Apr-09	89	48.96	179
361	8-Apr-09	90	48.84	48
362	8-Apr-09	91	48.76	12
363	8-Apr-09	92	48.70	90
364	8-Apr-09	93	48.80	99
365	8-Apr-09	94	49.01	83
366	8-Apr-09	95	49.09	25
367	8-Apr-09	96	49.09	58
368	9-Apr-09	2	48.90	36
369	9-Apr-09	3	49.12	17
370	9-Apr-09	8	49.16	12
371	9-Apr-09	10	48.99	197
372	9-Apr-09	11	49.06	155
373	9-Apr-09	13	49.08	149
374	9-Apr-09	14	49.18	67
375	9-Apr-09	16	49.14	76
376	9-Apr-09	17	48.95	411
377	9-Apr-09	18	49.13	206
378	9-Apr-09	20	48.98	223
379	9-Apr-09	21	49.11	150
380	9-Apr-09	22	49.14	236
381	9-Apr-09	23	49.05	213
382	9-Apr-09	27	49.07	276
383	9-Apr-09	28	49.18	151
384	9-Apr-09	33	49.18	116
385	9-Apr-09	34	49.18	109
386	9-Apr-09	35	49.14	84
387	9-Apr-09	38	49.18	81
388	9-Apr-09	39	49.05	98
389	9-Apr-09	42	49.18	105
390	9-Apr-09	46	49.12	124
391	9-Apr-09	47	49.06	223

392	9-Apr-09	51	49.09	80
393	9-Apr-09	53	49.19	64
394	9-Apr-09	54	49.12	184
395	9-Apr-09	55	49.08	255
396	9-Apr-09	56	49.10	262
397	9-Apr-09	57	49.12	156
398	9-Apr-09	58	49.14	121
399	9-Apr-09	61	49.12	212
400	9-Apr-09	62	49.14	191

Annexure II

Ser No.	Date	Time-Block	Frequency	Overdrawal (MW)
1	1-Apr-09	1	48.74	20
2	1-Apr-09	14	48.94	533
3	1-Apr-09	19	48.98	229
4	1-Apr-09	22	48.92	115
5	1-Apr-09	47	48.95	101
6	1-Apr-09	52	48.73	3
7	1-Apr-09	54	48.70	6
8	2-Apr-09	1	48.98	267
9	2-Apr-09	10	48.94	304
10	2-Apr-09	18	48.97	357
11	2-Apr-09	22	48.96	224
12	2-Apr-09	47	48.99	208
13	2-Apr-09	76	48.86	214
14	2-Apr-09	89	48.75	30
15	2-Apr-09	93	48.99	69
16	3-Apr-09	1	48.96	172
17	3-Apr-09	54	48.91	4
18	3-Apr-09	56	48.94	42
19	3-Apr-09	85	48.97	182
20	3-Apr-09	89	48.88	115
21	3-Apr-09	90	48.69	14
22	3-Apr-09	93	48.72	43
23	4-Apr-09	46	48.60	25
24	4-Apr-09	47	48.75	92
25	4-Apr-09	48	48.99	159
26	4-Apr-09	58	48.98	285
27	4-Apr-09	85	48.90	104
28	4-Apr-09	89	48.84	229
29	4-Apr-09	90	48.82	108
30	4-Apr-09	91	48.81	39
31	4-Apr-09	92	48.98	18
32	5-Apr-09	14	48.87	147
33	5-Apr-09	15	48.95	71
34	5-Apr-09	16	48.94	89
35	5-Apr-09	17	48.95	151
36	5-Apr-09	20	48.99	10
37	5-Apr-09	33	48.71	459
38	5-Apr-09	38	48.98	142
39	5-Apr-09	47	48.94	239
40	5-Apr-09	50	48.71	94
41	5-Apr-09	51	48.94	29

42	5-Apr-09	55	48.80	46
43	5-Apr-09	61	48.98	109
44	6-Apr-09	1	48.86	174
45	6-Apr-09	2	48.82	140
46	6-Apr-09	10	48.92	280
47	6-Apr-09	11	48.99	237
48	6-Apr-09	14	48.93	441
49	6-Apr-09	19	48.98	197
50	6-Apr-09	20	48.90	214
51	6-Apr-09	21	48.93	585
52	6-Apr-09	22	48.77	532
53	6-Apr-09	23	48.81	360
54	6-Apr-09	42	48.76	53
55	6-Apr-09	44	48.72	1
56	6-Apr-09	47	48.80	180
57	6-Apr-09	50	48.94	83
58	6-Apr-09	51	48.68	42
59	6-Apr-09	52	48.69	30
60	6-Apr-09	53	48.97	52
61	6-Apr-09	54	48.75	7
62	6-Apr-09	56	48.87	16
63	6-Apr-09	60	48.97	22
64	6-Apr-09	76	48.85	67
65	6-Apr-09	81	48.90	111
66	6-Apr-09	82	48.83	92
67	6-Apr-09	85	48.86	2
68	6-Apr-09	89	48.77	114
69	6-Apr-09	90	48.74	100
70	6-Apr-09	91	48.90	31
71	7-Apr-09	14	48.65	55
72	7-Apr-09	15	48.62	38
73	7-Apr-09	16	48.67	8
74	7-Apr-09	17	48.91	32
75	7-Apr-09	18	48.82	108
76	7-Apr-09	19	48.96	67
77	7-Apr-09	20	48.95	104
78	7-Apr-09	21	48.95	91
79	7-Apr-09	22	48.81	31
80	7-Apr-09	43	48.59	1
81	7-Apr-09	45	48.82	21
82	7-Apr-09	46	48.62	53
83	7-Apr-09	47	48.73	8
84	7-Apr-09	51	48.89	72
85	7-Apr-09	52	48.69	104
86	7-Apr-09	55	48.61	8
87	7-Apr-09	56	48.68	42
88	7-Apr-09	58	48.98	248
89	7-Apr-09	59	48.82	275
90	7-Apr-09	60	48.83	55
91	7-Apr-09	62	48.74	3

92	7-Apr-09	63	48.81	22
93	7-Apr-09	64	48.82	21
94	7-Apr-09	66	48.97	52
95	7-Apr-09	67	48.90	105
96	7-Apr-09	86	48.91	108
97	7-Apr-09	89	48.75	184
98	7-Apr-09	90	48.66	82
99	7-Apr-09	91	48.68	77
100	7-Apr-09	92	48.92	44
101	8-Apr-09	20	48.99	116
102	8-Apr-09	21	48.83	85
103	8-Apr-09	22	48.64	85
104	8-Apr-09	46	48.87	67
105	8-Apr-09	47	48.98	99
106	8-Apr-09	51	48.98	143
107	8-Apr-09	55	48.97	183
108	8-Apr-09	58	48.88	156
109	8-Apr-09	60	48.83	132
110	8-Apr-09	61	48.96	163
111	8-Apr-09	79	48.94	12
112	8-Apr-09	89	48.96	179
113	8-Apr-09	90	48.84	48
114	8-Apr-09	91	48.76	12
115	8-Apr-09	92	48.70	90
116	8-Apr-09	93	48.80	99
117	9-Apr-09	2	48.90	36
118	9-Apr-09	10	48.99	197
119	9-Apr-09	17	48.95	411
120	9-Apr-09	20	48.98	223
121	9-Apr-09	91	48.90	87
122	9-Apr-09	93	48.97	37