



महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission

Ref. No. MERC/FAC/2023-24/JNPT/0338

Date: 04 July, 2023

To,
Jawaharlal Nehru Port Trust
Administration Building
Sheva, New Mumbai – 400 707

Subject: Prior approval of Fuel Adjustment Charges (FAC) submissions of Jawaharlal Nehru Port Trust (JNPT) for the month of April, 2023.

Reference: JNPT's FAC submission for the month of April, 2023 vide email dated 24 May, 2023.


Sir,

Upon vetting the FAC calculations for the months of April, 2023 as mentioned in the above reference, the Commission has accorded approval for charging FAC to its consumers as shown in the table below:

| Month | FAC Amount (Rs. Crore) |
|-------------|------------------------|
| April, 2023 | NIL |

The Commission allows the FAC amount of Rs. 0.02 Crores to be recovered accumulated in the FAC stabilisation fund as against a claim of Rs. 0.02 Crore by JNPT. This is on account of reasons as mentioned in this vetting report.

Yours faithfully,


(Dr. Rajendra G. Ambekar)
Executive Director, MERC

Encl: Annexure A: Detailed Vetting Report for the period of April, 2023.

ANNEXURE

Detailed Vetting Report

Date: 04 July, 2023

PRIOR APPROVAL FOR FAC CHARGES FOR THE MONTH OF APRIL, 2023

Subject: Prior approval of Fuel Adjustment Charges (FAC) submissions of JNPT for the month April, 2023.

Reference: JNPT's FAC submission for the month of April, 2023 vide email dated 24 May, 2023.

1. FAC submission by JNPT:

1.1 JNPT has made FAC submissions for the months of April, 2023 as referred above. Upon vetting the FAC calculations, taking cognizance of all the submissions furnished by JNPT, the Commission has accorded prior approval for the FAC amount to be charged in the billing month of June, 2023.

2. Background

2.1 On 31 March, 2023 the Commission has issued Tariff Order in respect of JNPT (Case No. 219 of 2022) for approval of Truing-up of FY 2021-22, Provisional Truing-up of FY 2022-23, and Aggregate Revenue Requirement (ARR) and Tariff for the Multi-Year Tariff period for FY 2023-24 and FY 2024-25.

2.2 The Commission had communicated the excel formats and guiding principles for filing of FAC submissions to all Distribution Licensees including SEZs. The Commission also directed all Distribution Licensees to submit FAC computations, including details pertaining to variation in fuel cost of generators for the approval of the Commission.

2.3 As per provisions of MYT Regulations, 2019, before levying FAC for the first month of the 4th Control Period, Distribution Licensee including SEZ is required to seek prior approval of the Commission. Accordingly, vide its email dated 24 May, 2023, JNPT has filed FAC submissions for the month of April, 2023 for prior approval of the Commission. The Commission has scrutinized the submissions provided by JNPT and has also verified the power purchase bills provided along with its submissions.

3. Energy Sales of the Licensee

3.1 In the MTR Order passed by the Commission in Case No. 219 of 2022, the Commission has approved the tariffs so as to maintain cross subsidy across tariff categories.



Approval of FAC Charges for the month of April, 2023

- 3.2 The net energy sales within licence area as submitted by JNPT in the FAC submission and as approved by the Commission are as shown in the Table 1 below:

Table 1: Energy Sales approved and Actual in MUs

| Consumer Category | Approved by the Commission (MU) | Monthly Approved (MU) | Actual Sales (April, 2023) (MU) |
|--------------------------------|---------------------------------------|-----------------------------|---------------------------------------|
| | (I) | (II=I/12) | (III) |
| HT Category | | | |
| HT- I (A) Industrial | 3.39 | 0.28 | 0.33 |
| HT-II Commercial | 3.58 | 0.30 | 0.08 |
| LT Category | | | |
| LT-II(A) Commercial | - | - | 0.00 |
| LT-II (B) Commercial | 0.18 | 0.02 | 0.02 |
| LT-II (C) Commercial | 0.47 | 0.04 | 0.00 |
| LT-V (II) Industrial | 0.35 | 0.03 | 0.03 |
| LT-VII (B) (II) Public Service | 0.08 | 0.01 | 0.00 |
| Total | 8.05 | 0.67 | 0.46 |

- 3.3 It can be observed from above Table 1 that the actual sales during the month April, 2023 is 0.46 MU which is 32 % lower than approved energy sales of 0.67 MU per month for the FY 2023-24. The major variation was observed in the HT-I (A) Industrial, HT-II Commercial and LT-II (C) Commercial categories as seen in the Table 1 above. The reason for such lower sales is lower realisation of the upcoming load as per estimation.

4. Power Purchase Details

- 4.1 JNPT is a major port notified under Major Port Trusts Act, 1963. JNPT has been notified as a Developer of SEZ by the Ministry of Commerce and Industry, Government of India on 11 August 2014 vide SEZ notification No. S. O. 2047 (E). The SEZ is being developed over an area of 277.38 Hectares situated in the villages of Savarkahar, Karal, Sonari and Jaskhar of Uran Taluka, District Raigad of the Maharashtra.
- 4.2 JNPT is a deemed Distribution Licensee for the notified SEZ area under Section 14 of the EA, 2003. The Commission, after following the due regulatory process, vide its Order dated 14 June 2018 in Case No. 47 of 2018 confirmed the status of JNPT as a deemed Distribution Licensee for the notified SEZ area under Section 14 of the EA, 2003. JNPT does not own or operate any generating stations. Accordingly, JNPT is required to procure power from outside sources in order to fulfil the electricity demand of its consumers.
- 4.3 **Power Procurement from Short Term Contracts:** JNPT has envisaged procurement of its power requirement from conventional sources for meeting its Base Load and Peak Load requirement during FY 2023-24 and FY 2024-25.



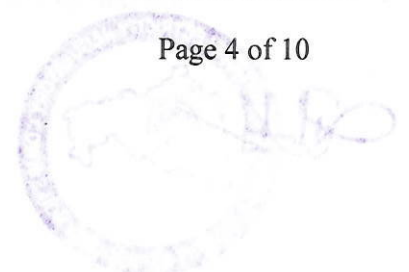
4.4 JNPT has in the MTR Petition in Case No. 219 of 2022 had submitted that it will purchase power on short term basis for FY 2023-24 and FY 2024-25 through competitive bidding and it will approach the Commission for adoption of Tariff. JNPT has estimated the power purchase rate of Rs. 5.40/ unit for FY 2023-24 and FY 2024-25 based on the latest price discovered by M/s. Laxmipati Balaji Supply Chain Management Ltd. for the Period February 2023 to January 2024. The Commission approved the quantum of power purchase and power purchase expense towards the procurement of short-term conventional power, at the latest approved rate for similar utility of Rs. 5.40/ kWh for FY 2023-24 and FY 2024-25.

4.5 **Power procurement from the Existing PPA:** The Commission has approved power procurement from existing source (i.e., from Manikaran Power Limited) till 30th June 2023 at the rate of Rs. 5.02/kWh.

4.6 The Commission has approved the Power Purchase rate of Rs. 5.55/kwh for FY 2023-24 considering all the sources of power including the RPO compliance.

4.7 Summary of power purchase of JNPT is as under:

| Sr. No. | Particular | Compliance | | | | | | | | | |
|---|--------------------------------|---|-------------|---------------|------------|---|------|------|---|------|---|
| 1 | Purchase from Approved Sources | <p>Yes. The Commission has approved power procurement from existing source (i.e., from Manikaran Power Limited till 30th June 2023) and new source in Order dated 31st March 2023 in Case No. 219 of 2022. In April 2023 Jawaharlal Nehru Port Trust (JNPT) fulfill its RTC power purchase requirement from Manikaran Power Limited. Further, to meet the peak power requirement, it had procured power from power exchange.</p> <p>The average power purchase cost (APPC) for the month April 2023 is Rs. 5.49/kWh which is lower than the approved cost of Rs. 5.55/kWh.</p> | | | | | | | | | |
| 2 | Merit Order Dispatch | <p>JNPT has followed merit order for scheduling of power and preference was given to cheapest power.</p> <p>JNPT procure power on short term basis procure RTC power from Short term approved source i.e., from MPL which is least cost contracted generator. Further, JNPT met its peak power requirement through various product from power exchange which is in line with MOD principles.</p> | | | | | | | | | |
| 3 | Fuel Utilization Plan | Not applicable. All the sources of power procurement fall under Section 63 of EA, 2003. | | | | | | | | | |
| 4 | Pool Imbalance | JPTA has drawn 0.01 MU from the imbalance pool. | | | | | | | | | |
| 5 | Sale of Surplus Power | No Surplus power available | | | | | | | | | |
| 6 | Power Purchase | Actual Power Purchase is 0.50 MU as against approved 0.80 MU due to lower sales | | | | | | | | | |
| 7 | Source wise Power Purchase | <table border="1"> <thead> <tr> <th>Source Name</th> <th>Approved (MU)</th> <th>Actual MU)</th> </tr> </thead> <tbody> <tr> <td>Manikaran Power Limited (till June, 2023)</td> <td>0.56</td> <td>0.40</td> </tr> <tr> <td>Short Term Contract (from July, 2023 onwards)</td> <td>0.87</td> <td>-</td> </tr> </tbody> </table> | Source Name | Approved (MU) | Actual MU) | Manikaran Power Limited (till June, 2023) | 0.56 | 0.40 | Short Term Contract (from July, 2023 onwards) | 0.87 | - |
| Source Name | Approved (MU) | Actual MU) | | | | | | | | | |
| Manikaran Power Limited (till June, 2023) | 0.56 | 0.40 | | | | | | | | | |
| Short Term Contract (from July, 2023 onwards) | 0.87 | - | | | | | | | | | |



Approval of FAC Charges for the month of April, 2023

| | | | | |
|--|--|-------------------------|-------------|-------------|
| | | Power exchange | - | 0.09 |
| | | Others (Imbalance pool) | - | 0.01 |
| | | Total | 0.80 | 0.50 |

4.8 The Commission also notes in the MTR Petition JNPT has submitted that there is no clear visibility of anticipated load of JNPT in FY 2023-24 and FY 2024-25. Accordingly, based on the estimated load, JNPT has submitted that it will purchase power on short term basis for FY 2023-24 and FY 2024-25 through competitive bidding and it shall approach the Commission for adoption of tariff. JNPT has estimated the power purchase rate of Rs. 5.40/unit for FY 2023-24 and FY 2024-25 based on the latest price discovered by M/s. Laxmipati Balaji Supply Chain Management Ltd. for the Period February 2023 to January 2024. The Commission also notes that it has envisaged procurement of its power requirement from conventional sources for meeting its Base Load and Peak Load requirement during FY 2023-24 and FY 2024-25. However, JNPT met its peak power requirement of 0.08 Mus from power exchange at the rate of Rs. 6.05/kWh.

4.9 The Commission notes that short-term power procurement expected on competitive bidding process by JNPT has not started yet. The Commission directs JNPT to initiate and complete the competitive bidding process for the Short-Term Power procurement as envisaged and submitted in the MTR Petition.

5. Power Purchase Cost:

5.1 The Commission has scrutinised the detailed bills/invoices submitted for power purchase during the month of April, 2023, in order to verify the claim of JNPT regarding Average Power Purchase Cost (APPC). The Commission has verified the actual as well as approved Net Purchase (MUs), Variable Cost (Rs./kWh) and Power Purchase Cost considered in FAC computation from the invoices and applicable MTR Order respectively.

5.2 The Power Purchase cost incurred in April, 2023 is Rs. 0.27 Crore which is significantly lower than the approved Power Purchase cost of Rs. 0.44 Crore by the Commission for the month of April, 2023.

5.3 Manikaran Power Limited

- The existing PPA with MPL for 1 MW RTC Power is for the period 1 July, 2022 to 30 June, 2023 at the rate of Rs. 5.02/kWh. The Commission notes that as JNPT has sourced 0.40 Mus against its base load requirement from the approved sources from the available capacity of contracted source, i.e., MPL. (Short Term existing contract). The effective per unit rate as approved by the Commission from the contracted source has remains same for Rs. 5.02. Therefore, there is no change in the actual per unit rate of contracted source vis-à-vis the unit rate approved by the Commission for the month of April 2023.



- 5.4 **Power Procurement from Exchange:** JNPT has procured 0.08 MU at the rate of Rs.6.05/kWh from the Power Exchange to meet the peak power requirement. The Power procurement from Power Exchange was not envisaged in the MTR Petition in Case No. 219 of 2022. The approved rate for the short-term power procurement for JNPT is Rs. 5.40/kWh. Therefore, JNPT had to procure 0.08 MU from Power Exchange at Rs. 6.05/kWh which is higher than Rs. 5.40/kWh approved by the Commission in the MTR Order for short term power procurement.
- 5.5 **Renewable Sources:** In the MTR Petition in Case No. 219 of 2022, considering the small quantum of RE power required, JNPT had proposed to purchase RECs from the Power Exchanges in FY 2023-24 and FY 2024-25 to meet the RPO compliance requirements. Accordingly, JNPT was allowed to meet its RPO by purchasing RECs. The amount of Rs. 0.02 Crores per month is allowed to JNPT for purchase of RECs. JNPT has purchase Nil REC for the month of April, 2023. By avoiding purchase of REC, JNPT has reduced power purchase cost for April, 2023 but created liability for future.
- 5.6 **Imbalance Pool:** It is seen that JNPT has drawn 0.01 MUs from the DSM pool. The said drawl from the pool is on account of increase in demand of consumers than estimated by the Distribution Licensee.
- 5.7 **Approved Cost:** The details of the overall cost approved and actual for the month of April, 2023 as per MTR Order is as shown in the Table 2 below:

Table 2: Approved and Actual Power Purchase Cost for JNPT

| Source | | Power Procured (MU) | Fixed Cost (Rs. Crore) | Fixed Cost (Rs./kWh) | Variable Cost (Rs. Crore) | Variable Cost (Rs./kWh) | Total Cost (Rs. Crore) | Total Cost (Rs./kWh) |
|------------------------------|----------|---------------------|------------------------|----------------------|---------------------------|-------------------------|------------------------|----------------------|
| Manikaran Power Limited | Approved | 0.56 | - | - | 0.28 | 5.02 | 0.28 | 5.02 |
| | Actual | 0.40 | - | - | 0.20 | 5.02 | 0.20 | 5.02 |
| Short Term power procurement | Approved | 0.87 | - | - | 0.47 | 5.40 | 0.47 | 5.40 |
| | Actual | - | - | - | - | - | - | - |
| Power Exchange | Approved | - | - | - | - | - | - | - |
| | Actual | 0.08 | - | - | 0.05 | 6.05 | 0.05 | 6.05 |
| Solar & Non-Solar REC | Approved | - | - | - | 0.02 | - | 0.02 | - |
| | Actual | - | - | - | - | - | - | - |
| Total | Approved | 0.80 | - | - | 0.44 | 5.55 | 0.44 | 5.55 |
| | Actual | 0.50 | - | - | 0.27 | 5.35 | 0.27 | 5.35 |

- 5.8 Considering the above, the Commission allows the average power purchase cost of Rs.5.35/kWh for the month of April, 2023 as shown in Table 2 above. The variation in power purchase cost is mainly on account of non-purchase of RECs.



6. FAC on account of fuel and power purchase cost (F)

- 6.1 The Commission has worked out the average power purchase costs for the April, 2023 as shown in below Table 3. The same has been compared with the average power purchase cost approved by the Commission in MTR Order dated 31 March, 2023 to arrive at the differential per unit rate at which Z_{FAC} is to be passed on to the consumers.
- 6.2 Thus, the following Table 3 shows the rectified Z_{FAC} worked out by the Commission on account of difference in power purchase cost for the month of April, 2023.

Table 3: FAC on account of Power Purchase Cost

| Sr. No. | Particulars | Units | April, 2023 |
|---------|--|------------------|---------------|
| 1 | Average power purchase cost approved by the Commission | Rs./kWh | 5.55 |
| 2 | Actual average power purchase cost | Rs./kWh | 5.35 |
| 3 | Change in average power purchase cost (=2 -1) | Rs./kWh | (0.20) |
| 4 | Net Power Purchase | MU | 0.50 |
| 5 | Change in power purchase cost (=3 x 4/10) | Rs. Crore | (0.01) |

7. Adjustment for over recovery/under recovery (B)

- 7.1 As the Commission is determining the FAC for the first time after the adoption of Tariff from April 2023 there is no past adjustment for over recovery/under recovery.

8. Carrying Cost for over recovery/under recovery (C)

- 8.1 As the Commission is determining the FAC for the first time after the adoption of Tariff from April 2023 there is no past adjustment for over recovery/under recovery and hence no carrying cost for over recovery/under recovery.

9. Disallowance due to excess Distribution Loss

- 9.1 Regulation 10.8 of MYT Regulations, 2019 provides for FAC amount to be reduced in case the actual distribution loss for the month exceeds the approved distribution loss. The relevant extract is reproduced as follows.

“10.8 The total Z_{FAC} recoverable as per the formula specified above shall be recovered from the actual sales in terms of “Rupees per kilowatt-hour”:

Provided that, in case of unmetered consumers, the Z_{FAC} shall be recoverable based on estimated sales to such consumers, computed in accordance with such methodology as may be stipulated by the Commission:



Provided further that, where the actual annual sliding distribution losses of the Distribution Licensee exceed the level approved by the Commission, the amount of Z_{FAC} corresponding to the excess distribution losses (in kWh terms) shall be deducted from the total Z_{FAC} recoverable”

- 9.2 The following Table 4 provides the comparison of approved and actual distribution loss and disallowance due to excess distribution loss:

Table 4: Disallowance of FAC due to excess Distribution Loss

| Sr. No. | Particulars | Units | Approved in Tariff Order | Actual for April, 2023 |
|---------|---|------------------|--------------------------|------------------------|
| 1 | Net Energy input at Distribution Voltages | MU | 0.77 | 0.49 |
| 2 | Energy sales at Distribution voltages | MU | 0.67 | 0.46 |
| 3 | Distribution Loss (1 - 2) | MU | 0.10 | 0.03 |
| 4 | Distribution Loss as % (3/1) | % | 13.05% | 5.92% |
| 5 | Excess Distribution Loss = [Actual Distribution Loss (4) - Distribution loss approved] x Net Energy Input (1) | MU | - | - |
| 6 | Disallowance of FAC due to excess Distribution Loss | Rs. Crore | - | - |

- 9.3 As seen from the above Table 4, distribution loss for the month of April, 2023 is 5.92% which lower than the MTR approved distribution loss of 13.05%.

- 9.4 The Commission observed that there is no disallowance of FAC on account of Distribution Loss for the month of April, 2023.

10. Summary of Allowable Z_{FAC}

- 10.1 The summary of the FAC amount as approved by the Commission for the month of April, 2023 as shown in the Table 5 below.

Table 5: Summary of Allowable Z_{FAC}

| Sr. No. | Particulars | Units | April, 2023 |
|------------|---|-----------|---------------|
| 1.0 | Calculation of Z_{FAC} | | |
| 1.1 | Change in cost of generation and power purchase attributable to Sales within the License Area (F) | Rs. Crore | (0.01) |
| 1.2 | Carrying cost for over-recovery/under-recovery (C) | Rs. Crore | 0.00 |
| 1.3 | Adjustment factor for over-recovery/under-recovery (B) | Rs. Crore | 0.00 |
| 1.4 | Z_{FAC} = F+C+B | Rs. Crore | (0.01) |
| 2.0 | Calculation of Per Unit FAC | | |
| 2.1 | Energy Sales within the License Area | MU | 0.46 |
| 2.2 | Excess Distribution Loss | MU | - |
| 2.3 | Z _{FAC} per kWh [(1.4/2.1)*10] | Rs./kWh | (0.22) |
| 3.0 | Allowable FAC | | |
| 3.1 | FAC disallowed corresponding to excess Distribution Loss [(2.2 x 2.3)/10] | Rs. Crore | - |



Approval of FAC Charges for the month of April, 2023

| Sr. No. | Particulars | Units | April, 2023 |
|------------|--|------------------|-------------|
| 3.2 | FAC allowable [1.4-3.1] | Rs. Crore | (0.01) |
| 4.0 | Utilization of FAC Fund | | |
| 4.1 | Opening Balance of FAC Fund | Rs. Crore | 0.00 |
| 4.2 | ZFAC for the month (Sr. N. 3.2) | Rs. Crore | (0.01) |
| 4.3 | Closing Balance of FAC Fund | Rs. Crore | (0.01) |
| 4.4 | ZFAC leviable/refundable to consumer | Rs. Crore | - |
| 5.0 | Total FAC based on category wise and slab wise allowed to be recovered in the billing month of June, 2023 | Rs. Crore | - |
| 6.0 | Carried forward FAC for recovery during future period (4.4-5.0) | Rs. Crore | 0.01 |

10.2 It can be seen from the above Table 5 that standalone FAC for the month of April, 2023 is Rs. (0.01) Crore. Since the FAC is negative it shall be accumulated in the FAC Stabilisation fund as stipulated in the MTR Order dated 31 March, 2023 in Case No. 219 of 2022.

10.3 Further, in the MTR Order in Case No. 219 of 2022 JNPT was also directed to park the additional recovery Rs. 0.20/kVAh allowed by the Commission and subsumed in the energy charges, to be parked in the separate FAC fund and to be utilized to offset any additional power purchase cost over and above allowed to be recovered as part of FAC mechanism so as to avoid tariff shock to consumers in future.

10.4 This has also generated the FAC fund of Rs. (0.01) Crores which needs to be accumulated in FAC stabilisation fund.

10.5 The Relevant portion of the MTR Order dated 31 March, 2019 in Case No. 219 of 2022 is as under:

“ 5.4.78 Distribution Licensee shall undertake computation of monthly FAC as per Regulation 10 of the MYT Regulations, 2019 except for treatment to be given to negative FAC as follows:

- i. Negative FAC amount shall be carried forward to the next FAC billing cycle with holding cost.*
- ii. Such carried forward negative FAC shall be adjusted against FAC amount for the next month and balance negative amount shall be carried forward to subsequent month with holding cost.*
- iii. Such carry forward of negative FAC shall be continued till next tariff determination process.*
- iv. In case such FAC Fund is yet to be generated or such generated fund is not sufficient to adjust against FAC computed for given month, then Distribution Licensee can levy such amount to the consumers through FAC mechanism.*

5.4.79 In order to maintain transparency in management and use of such FAC Fund, Distribution Licensee shall maintain monthly account of such FAC fund and upload it on its website for information of stakeholders. Such details shall also be submitted to the



Commission on quarterly basis along with proposal for post facto vetting of FAC.”

- 10.6 As the FAC computed in the month of April, 2023 as shown in Table 5 above is negative it shall be accumulated in the FAC Stabilisation fund. Accordingly, the Commission allows Rs. 0.02 Crore as carried forward to be accumulated in FAC stabilisation fund.

11. Recovery from Consumers:

- 11.1 Regulation 10.9 of MERC MYT Regulations, 2019 provides for methodology of recovery of FAC charge from each category of consumers. The relevant extract is reproduced as below.

“10.9 The Z_{FAC} per kWh for a particular Tariff category/sub-category/consumption slab shall be computed as per the following formula: —

$$Z_{FAC\ Cat} (Rs/kWh) = [Z_{FAC} / (\text{Metered sales} + \text{Unmetered consumption estimates} + \text{Excess distribution losses})] * k * 10,$$

Where:

$Z_{FAC\ Cat}$ = Z_{FAC} component for a particular Tariff category/sub-category/consumption slab in ‘Rupees per kWh’ terms;

k = Average Billing Rate / ACOS;

Average Billing Rate = Average Billing Rate for a particular Tariff category/sub-category/consumption slab under consideration in ‘Rupees per kWh’ as approved by the Commission in the Tariff Order:

Provided that the Average Billing Rate for the unmetered consumers shall be based on the estimated sales to such consumers, computed in accordance with such methodology as may be stipulated by the Commission:

ACOS = Average Cost of Supply in ‘Rupees per kWh’ as approved for recovery by the Commission in the Tariff Order:

Provided that the monthly Z_{FAC} shall not exceed 20% of the variable component of Tariff or such other ceiling as may be stipulated by the Commission from time to time:

Provided further that any under-recovery in the Z_{FAC} on account of such ceiling shall be carried forward and shall be recovered by the Distribution Licensee over such future period as may be directed by the Commission....”

- 11.2 Since the FAC is negative, there is no recovery allowed from the consumers.

- 11.3 JNPT is allowed Rs. 0.02 Crore as carried forward to be accumulated in FAC stabilisation fund along-with the holding cost.



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