

ANNUAL REPORT-2013-14



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**ODISHA ELECTRICITY REGULATORY COMMISSION
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ODISHA ELECTRICITY REGULATORY COMMISSION

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MISSION STATEMENT

The Odisha Electricity Regulatory Commission is committed to fulfill its mandate for creating an efficient and economically viable electricity industry in the State. It balances the interests of all stakeholders while fulfilling its primary responsibility to ensure safe and reliable supply of power at reasonable rates. It is guided by the principles of good governance, namely, transparency, accountability, predictability, equitability and participation in discharge of its functions. It safeguards the interests of the state and gives a fair deal to consumers at the same time.

2. PROFILES OF CHAIRPERSON & MEMBERS



Satya Prakash Nanda, Chairperson

Shri S. P. Nanda, formerly of the Indian Administrative Service, joined the Odisha Electricity Regulatory Commission on 13th October, 2011 after retiring as the Member, Board of Revenue to the Govt. of Odisha. Born on 19th March 1952, Shri Nanda has done Masters Degree in Political Science from University of Delhi. After a brief period of lectureship in Sri Venkateswara College, University of Delhi, he joined the Indian Administrative Service in 1975 in the Odisha cadre.

In an illustrious career spanning over 36 years, Shri Nanda has served as Secretary to Govt. of Odisha in Science and Technology, IT, Higher Education, Industries, Public Enterprises and Forest and Environment Departments. He has also served as the Chairman of the Odisha State Pollution Control Board. Besides he has served Govt. of Odisha as Agriculture Production Commissioner and Development Commissioner. Shri Nanda has made significant contributions in the areas of industrial development, industrial infrastructure development, science & technology, IT and environment management.

During his tenure as Chairman-cum-Managing Director of the Odisha Industrial Infrastructure Development Corporation, he was instrumental in the development, financing and management of various industrial areas and infrastructure projects of the State. Similarly, he has done pioneering work in the field of environment management as Chairman of Odisha State Pollution Control Board when it implemented for the first time the principle - 'Polluter Pays'.

A man of indomitable spirit and impeccable integrity, he has made his presence felt in various sectors of Odisha, be it Revenue, Agriculture, Forest and Environment Management or Industrial Development.

He has attended many national and international training programmes, seminars and workshops.



Shri Sivapada Swain, Member

Shri Sivapada Swain, formerly of the Indian Revenue Service, joined the Odisha Electricity Regulatory Commission on 9th April, 2012 after retiring as the Director General of Income Tax (Exemptions) to the Govt. of India. Born on 24th February 1952, Shri Swain has done Masters Degree in History from University of Delhi. After a brief period of lectureship in Odisha, he joined the Indian Revenue Service in 1976.

In an illustrious career spanning over 35 years, Shri Swain has held different positions in the field of Administration, Assessments and Investigation in the Income Tax Department of Bhubaneswar, Kolkata, Bangalore, Chennai, Hyderabad and Delhi. He was promoted to the Rank of Chief Commissioner of Income Tax, Additional Secretary to Govt. of India in April 2009 and was initially posted as Director General of Income Tax (Investigation), Hyderabad. Later, he was transferred to Delhi in January 2010.

As a Tax Officer, he has knowledge of not only Income Tax Act but also Company Law, Law of Contract, Transfer of Property and Sale of Goods Act etc. He has long experience in dealing with corporate accounts and finance. As Director of Finance, he was intimately connected with the first Power Purchase Agreement signed with Gridco.

A man of knowledge and conviction, he has made immense contribution to the Income Tax Department of the country. He has attended many national and international training programmes, seminars and workshops.



Shri Aswini Kumar Das, Member

Shri A. K. Das, born on 21st March, 1956 in Kalyanpur village of Jajpur District, Odisha, graduated in Electrical Engineering from University College of Engineering, Burla (now VSSUT, Burla) in 1978, completed Master's Degree from University of Roorkee (now IIT, Roorkee) in 1988 and Master's Degree in Business Administration from Utkal University. He joined Odisha Service of Electrical Engineers in 1978. After serving for 35 years under Govt. of Odisha, he retired as Engineer-in-Chief(Elect.)-cum-Principal Chief Electrical Inspector in March, 2014 to join as Member, OERC, Odisha.

During his tenure under Govt., he contributed to the development of Power Projects of the state like Upper Kolab, Upper Indravati & Rengali Hydro Projects. He had a tenure in Industry Deptt., Govt. of Odisha before moving to the Electrical Inspectorate & Works Deptt. and finally retired as EIC (Elect.)-cum-Principal Chief Electrical Inspector (PCEI). He visited Japan on Energy Efficiency Activities and has contributed to technical section in many conferences & seminars and is an active member of the World Energy Council – Indian Member Committee.

3. OVERVIEW OF THE COMMISSION

1. The Odisha Electricity Reform Act, 1995 (Odisha Act 2 of 1996), in short OER Act, 1995 was enacted for the purpose of restructuring the electricity industry, for rationalization of Generation, Transmission, Distribution and Supply of Electricity, for opening avenues for participation of private sector entrepreneurs and for establishment of a Regulatory Commission for the State, independent of the state government. OER Act, 1995 is the first of its kind in whole of the country. The Electricity Act, 2003 has been modelled mostly on the basis of the provisions of the OER Act, 1995.
2. An important component of power sector reform is establishment of an independent autonomous Regulator, the Odisha Electricity Regulatory Commission for achievement of objectives enshrined in the OER Act, 1995. It became functional on 01.8.96 with the joining of its three members, as the pioneer electricity regulators of the country.
3. The property, interest in property, rights and liabilities belonging to the erstwhile OSEB (Odisha State Electricity Board) were vested in the State Government as on 1.4.96. All loans, subventions and obligation of the Board towards the State stood extinguished. The State Government classified the assets, liabilities and proceedings acquired by the State as well as the assets, liabilities and proceedings relating to the undertakings owned by the State Government to (a) Generation Undertaking (b) Transmission Undertaking and those not classified within (a) & (b) to residual assets. The State Government was empowered to vest the Undertakings in GRIDCO & OHPC which the State did but only after upvaluation of assets on the same day and restructured the Balance Sheet of GRIDCO and OHPC.
4. The Grid Corporation of Odisha Limited (GRIDCO) was incorporated under Companies Act, 1956 on 20.4.95. All Transmission and Distribution Undertakings were transferred to GRIDCO on 01.4.96 with upvalued cost with a restructured Balance Sheet. It was to engage in the business of procurement, transmission & bulk supply of electric energy apart from planning, co-ordination & load forecast.
5. The Odisha Hydro Power Corporation Limited (OHPC) was incorporated under the Companies Act, 1956 on 21.4.95. All the generating assets of Government as well as OSEB have been transferred to OHPC on 01.4.96. This Corporation takes care of all the operating and ongoing Hydro Power Stations. 49% of the share of the Odisha Power Generation Corporation (OPGC) were disinvested to the US based AES company in January, 1999.
6. As a sequel to the passing of the Act, the distribution of power was privatized in Odisha and the management of the four subsidiary companies in charge of distribution in the Central Northern, Southern and Western zones of Odisha, namely CESCO, NESCO, SOUTHCO and WESCO was entrusted to private companies which took over 51% of the shares. GRIDCO became a deemed trading licensee from 10.6.05. The Odisha Power Transmission Corporation Ltd. (OPTCL) took over intra-state transmission & functions of the state load despatch centre on the same date.
7. In the year 2003, the Electricity Act, 2003 was enacted by Govt. of India and this came into force w.e.f 10.06.2003. The Electricity Act, 2003 has been modelled mostly on the basis of the various provisions of the erstwhile Odisha Electricity Reform Act, 1995. The Electricity Act, 2003 which came into force on 10th June, 2003, aims to promote competition, protect interest of consumers while supplying electricity to all areas, rationalize electricity tariff, ensure transparent policies regarding subsidies, and provide an enabling regulatory environment. Besides allowing for private investments in all the segments of the electricity supply chain, the Act provides various measures to introduce competition in the electricity industry. Now, the Chairperson and Members of OERC are

appointed under section 82(5) of the Electricity Act, 2003 (No 36 of 2003) which is a Central Act.

8. The OERC completed 18th year of its operation on 01.08.2014. The Commission is operating at Bidyut Niyamak Bhavan, Unit- VIII, Bhubaneswar – 751012.

FUNCTIONS OF THE STATE COMMISSION

9. Section 86 of the Electricity Act, 2003 deals with the functions of the state Commission. As per section 86(1), the State Commission shall discharge the following functions, namely:-
- (a) Determine the tariff for generation, supply, transmission and wheeling of electricity, wholesale, bulk or retail, as the case may be, within the state.
 - (b) Regulate electricity purchase and procurement process of distribution licenses including the price at which electricity shall be procured from the generating companies or licensees or from other sources through agreements for purchase of power for distribution and supply within the State;
 - (c) facilitate intra-State transmission and wheeling of electricity;
 - (d) Issue licenses to persons seeking to act as transmission licensees, distribution licensees and electricity traders with respect to their operations within the State;
 - (e) promote co-generation and generation of electricity from renewable sources of energy by providing suitable measures for connectivity with the grid and sale of electricity to any person, and also specify, for purchase of electricity from such sources, a percentage of the total consumption of electricity in the area of a distribution licensee;
 - (f) Adjudicate upon the disputes between the licensees and generating companies and to refer any dispute for arbitration;
 - (g) Levy fee for the purpose of this Act;
 - (h) Specify State Grid Code consistent with the Grid Code specified under clause (h) of subsection (1) of Section 79 of the Electricity Act, 2003.
 - (i) Specify or enforce standards with respect to quality, continuity and reliability of service by licensees;
 - (j) fix the trading margin in the intra-state trading of electricity; if considered, necessary; and
 - (k) Discharge such other functions as may be assigned to it under the Electricity Act, 2003.
10. As per Section 86(2) of the Electricity Act, 2003, the State Commission shall advise the State Government on all or any of the following matters, namely:-
- (i) Promotion of competition, efficiency and economy in activities of the electricity industry;
 - (ii) Promotion of investment in electricity industry;
 - (iii) Reorganization and restructuring of electricity industry in the State;
 - (iv) Matters concerning generation, transmission, distribution and trading of electricity or any other matter referred to the State Commission by that Government.
11. As per Section 86(3) The State Commission shall ensure transparency while exercising its powers and discharging its functions.
12. As per the Section 86(4) in discharge of its functions, the State Commission shall be guided by the National Electricity Policy, 2005, National Electricity Plan and Tariff Policy, 2006 published under subsection(2) of section 3 of the Electricity Act, 2003.
13. Besides, the other provisions of the Electricity Act, 2003 which have a direct bearing on the functioning of the Commission are extracted below for reference
- (a) **Section 11 – Directions to generating companies**
 - (1) 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. Explanation - For the purposes of this section, the expression “extraordinary circumstances” means

circumstances arising out of threat to security of the State, public order or a natural calamity or such other circumstances arising in the public interest.

(2) The Appropriate Commission may offset the adverse financial impact of the directions referred to in sub-section (1) on any generating company in such manner as it considers appropriate.

(b) ***Section 23 - Directions to Licensees***

“If the Appropriate Commission is of the opinion that it is necessary or expedient so to do for maintaining the efficient supply, securing the equitable distribution of electricity and promoting competition, it may, by order, provide for regulating supply, distribution, consumption or use thereof”

(c) ***Section 37 – Directions by Appropriate Government***

The Appropriate Government may issue directions to the Regional Load Despatch Centres or State Load Despatch Centres, as the case may be, to take such measures as may be necessary for maintaining smooth and stable transmission and supply of electricity to any region or State.

(d) ***Section 108 – Directions by State Government***

(1) In the discharge of its functions, the State Commission shall be guided by such directions in matters of policy involving public interest as the State Government may give to it in writing.

(2) If any question arises as to whether any such direction relates to a matter of policy involving public interest, the decision of the State Government thereon shall be final.

ACTIVITIES OF THE COMMISSION

TARIFF DIVISION

14. The functions of the State Commission have been specified under Section 86 of Electricity Act, 2003. According to Section 86(1)(a), the Commission determines the Tariff for Generation, Supply, Transmission and wheeling of electricity, wholesale, Bulk or Retail, as the case may be within the State of Odisha. Keeping this in view the Commission obtains and analyses the Annual Revenue Requirements of the licensees and determines charges to be levied on various categories of consumers including those seeking open access to the intra-state transmission and distribution systems. It also undertakes scrutiny of power purchase agreements, approval of MYT Principles, cost data and Business Plans etc.
15. While fixing retail tariff for different types of consumers, Commission is mandated to follow the provisions of the Electricity Act, 2003, Tariff Policy notified on 06.1.2006 and National Electricity Policy notified on 12.2.2005. Mainly Sections 61, 62, 65 and 86 of the Electricity Act, 2003 deal with principles and guidelines of tariff fixation. The important parameters for tariff fixation are as follows:-
 - (i) The generation, transmission, distribution and supply of electricity should be conducted on commercial principles: Section 61(b) of Electricity Act, 2003.
 - (ii) The factors which would encourage competition, efficiency, economical use of the resources, good performance and optimum investments: Section 61(c).
 - (iii) Safeguarding the consumers' interests and at the same time recovering the cost of supply of electricity in a reasonable manner: Section 61(d).
 - (iv) The principles regarding efficiency in performance: Section 61(e).
 - (v) The tariff progressively reflects the cost of supply of electricity and also reduces cross subsidies in the manner specified by the appropriate Commission: Section 61(g).

Para 8.3.(2) of the Tariff Policy enjoins upon the State Regulatory Commission to notify road map with a target that latest by end of the year 2010-11 tariffs are within $\pm 20\%$ of the average cost of supply.
 - (vi) The National Electricity Policy envisages existence of some amount of cross-subsidy. As per Para 1.1 of National Electricity Policy, the supply of electricity at reasonable rate to rural India is essential for its overall development. Equally important is availability of reliable and quality power at competitive rates to Indian Industry to make it globally competitive and to enable it to exploit the tremendous potential of employment generation.

Similarly, as per Para 5.5.2 of the National Electricity Policy, a minimum level of support may be required to make the electricity affordable for consumers of very poor category. Consumers below poverty line who consume below a specified level, say 30 units per month, may receive special support in terms of Tariff which are cross-subsidized. Tariff for such designated group of consumers will be at least 50% of the "average (overall) cost of supply".
 - (vii) Promotion of Co-generation and generation of electricity from renewable sources of energy: Section 61(h).

Section 86(1) (e) casts responsibilities on the State Commission to promote co-generation and generation of electricity from renewable sources of energy by providing suitable measures for connectivity with the grid and sale of electricity to any person, and also specify, for purchase of electricity from such sources, a

percentage of the total consumption of electricity in the area of a distribution licensee.

16. The important orders passed by the Commission during 2013-14 relating to Tariff matters are as follows:
- (i) Approval of Annual Revenue Requirement & Bulk Supply Price of GRIDCO for FY 2014-15 (Case No. 84 of 2013);
 - (ii) Annual Revenue Requirement & Transmission Tariff of OPTCL for FY 2014-15 (Case No. 83 of 2013);
 - (iii) Approval of Annual Revenue Requirement & Generation Tariff of OHPC for FY 2014-15 (Case No. 81 of 2013);
 - (iv) Approval of ARR and Fees and charges of State Load Dispatch Centre for FY 2014-15 (Case No. 82 of 2013);
 - (v) Approval of Annual Revenue Requirement & Retail Supply Tariff of four DISTCOs for FY 2014-15 (Case Nos. 85, 86, 87 & 88 of 2013);

17. **Salient features of Retail Supply Tariff – 2014-15**

Electricity tariff proceedings for FY 2014-15 was completed and notified by the Commission by 22.03.2014. But the same was not published in view of imposition of Model Code of Conduct by the Election Commission of India. The Commission's tariff order for FY 2014-15 were made public on 26.04.2014 after the end of the General Election in the State including re-polling. The electricity tariff in Odisha in general has remained unchanged from 01.02.2001 to 31.03.2010. There has been overall 22.20% rise in Retail Supply Tariff for FY 2010-11 over Retail Supply Tariff of FY 2009-10, 19.74% for 2011-12 over 2010-11, 11.84 % tariff rise over 2011-12 for the year 2012-13 and 2.4% rise for 2013-14 over 2012-13. For the FY 2014-15, there is no change in the Retail Supply Tariff in the State for all categories of consumers. The tariff has remained the same as was in the last year i.e. FY 2013-14. Though the DISCOMs had projected higher distribution loss of 32.04%, the Commission has considered average distribution loss of 21.38% for determination of RST for consumers of the State. However, the Commission has directed the DISCOMs to implement Smart Metering Schemes, Energy Audit, SCADA on pilot basis in their licensed area of supply.

The salient features of Tariff Orders for FY 2014-15 are furnished below:-

- There is no hike in Retail Supply Tariff for the FY 2014-15.
- The average cost of supply for DISCOMs has decreased from 466.68 p/u in FY 2013-14 to 461.07 paise/unit in 2014-15.
- The average Bulk Supply Price (BSP) of GRIDCO has been reduced by about 2 Paise/unit in view of the reduction in power purchase cost from the generators as compared to last year. The average BSP is computed at 263.21 Paise/unit for FY 2014-15 as against 265.27 Paise/unit last year.
- However, there is increase in the average generation tariff of OHPC Power Stations (except Chiplima & Indravati) mainly due to increase in operation and maintenance expenses. The average generation tariff of all OHPC stations has been fixed at 83.02 paise/unit for FY 2014-15 against 70.77 paise/unit in the FY 2013-14.
- The Commission has not approved power purchase from high cost sources which includes certain thermal power stations for State consumption as the low cost power is available from some IPPs inside the State.
- GRIDCO may purchase high cost power and also power available from other sources after meeting the State Demand for trading purposes. The surplus revenue earned from such trading would be utilized to wipe out the past liabilities of GRIDCO.

- The Commission has not accepted the proposed ARR of DISCOMs of Rs. 10070.37 Crore and approved an amount of Rs. 8642.86 Crore for FY 2014-15.
 - The Commission has approved the distribution loss of 21.38% against the distribution loss of 32.04% proposed by DISCOMs. Similarly the Commission has approved AT&C loss of 22.17% instead of 33.17% proposed by the DISCOMs.
 - Cross subsidy has remained within $\pm 20\%$ for all the categories (LT/HT/EHT).
 - The Transmission Tariff for OPTCL has not been changed for FY 2014-15 and the same has remained at 25 paise per unit as was fixed for FY 2013-14.
 - Out of an average Bulk Supply Price of 263.21 paise per unit of GRIDCO, CESU is required to pay 265.00 paise per unit, NESCO 280.00 paise per unit, WESCO 286.00 paise per unit and SOUTHCO 185.00 paise per unit.
 - Kutir Jyoti tariff has remained constant at Rs.65 per month for FY 2014-15 for consumption of 30 units per month.
- Other Retail Tariff Related provisions include the following:-
- The graded slab tariff for HT & EHT consumer for FY 2014-15 is given as under:-

Slab rate of energy charges for HT & EHT (Paise/unit)

Load Factor (%)	HT	EHT
= < 60%	505	500
> 60%	400	395

- The reconnection charges w.e.f. 01.4.2014 shall be as follows.

Category of Consumers	New Rate Applicable
LT Single Phase Domestic Consumer	Rs.150/-
LT Single Phase other consumer	Rs.400/-
LT 3 Phase consumers	Rs.600/-
All HT & EHT consumers	Rs.3000/-

Energy Charges shall be 10% higher in case of temporary connection compared to the regular connection in respective categories.

The meter rent w.e.f. 01.4.2014 shall be as follows:

Type of Meter	Monthly Meter Rent (Rs.)
1. Single phase electro-magnetic Kwh meter	20
2. Three phase electro-magnetic Kwh meter	40
3. Three phase electro-magnetic tri-vector meter	1000
4. Tri-vector meter for Railway Traction	1000
5. Single phase Static Kwh meter	40
6. Three Phase Static Kwh meter	150
7. Three phase Static Tri-vector meter	1000
8. Three phase Static Bi-vector meter	1000
9. LT Single phase AMR/AMI Compliant meter	50
10. LT Three phase AMR/AMI compliant meter	150

Note: Meter rent for meter supplied by DISCOMs henceforward shall be collected for a period of 60 months only.

- A Reliability surcharge has been introduced for such HT and EHT consumers availing power through dedicated feeder from grid/primary sub-station. Reliability surcharge @ 20 paise per unit shall be charged if reliability index is more than 99% and above and voltage profile at consumer end remains within the stipulated limit.

- Prospective small consumers requiring new LT single phase connection upto and including 5 kW load shall only pay a flat charge of Rs.1500/- as service connection charges towards new connection excluding security deposit as applicable as well as processing fee of Rs.25/-. The service connection charges include the cost of material and supervision charges.
- A “Tatkal Scheme” for new connection is applicable to LT Domestic, Agricultural and General Purpose consumers.
- In case of installation with static meter/meter with provision of recording demand, the recorded demand rounded to nearest 0.5 KW shall be considered as the contract demand requiring no verification irrespective of the agreement. Therefore, for the purpose of calculation of Monthly Minimum Fixed Charge (MMFC) for the connected load below 110 KVA, the above shall form the basis.
- The billing demand in respect of consumer with Contract Demand of less than 110 KVA should be the highest demand recorded in the meter during the Financial Year irrespective of the Connected Load, which shall require no verification.
- Three phase consumers with static meters are allowed to avail TOD rebate excluding Public Lighting and emergency supply to CGP @10 paise/unit for energy consumed during off peak hours. Off peak hours has been defined as **12 Midnight to 6 AM** of next day.
- Hostels attached to the Schools recognised and run by SC/ST Dept., Govt of Odisha shall get a rebate of Rs.2.40 paise per unit in energy charge under Specified Public Purpose category (LT / HT) which shall be over and above the normal rebate for which they are eligible.
- Swajala Dhara consumers under Public Water Works and Sewerage Pumping Installation category shall get special 10% rebate if electricity bills are paid within due date over and above normal rebate.
- Drawal by the industries during off-peak hours upto 120% of Contract Demand without levy of any penalty has been allowed. The consumers who draw beyond their contract demand during hours other than the off-peak hours shall not be eligible for this benefit. If the drawal in the off peak hours exceeds 120% of the contract demand, overdrawal penalty shall be charged over and above the 120% of contract demand. When Statutory Load Regulation is imposed then restricted demand shall be treated as contract demand.
- General Purpose consumers with Contract Demand (CD) < 70 KVA shall be treated as LT consumers for tariff purposes irrespective of level of supply voltage. As per Regulation 76 (1) (c) of OERC Distribution (Conditions of Supply) Code, 2004 the supply for load above 5 KW upto and including 70 KVA shall be in 2-phase, 3-wires or 3-phase, 3 or 4 wires at 400 volts between phases.
- Own Your Transformer – “OYT Scheme” is intended for the existing individual LT domestic, individual/Group General Purpose consumers who would like to avail single point supply by owning their distribution transformer. In such a case licensee would extend a special concession of 5% rebate on the total electricity bill (except electricity duty and meter rent) of the respective category apart from the normal rebate on the payment of the bill by the due date. If the payment is not made within due date no rebate, either normal or special is payable. The maintenance of the ‘OYT’ transformer shall be made by DISCOMs. For removal of doubt it is clarified that the “OYT Scheme” is not applicable to any existing or new HT/EHT consumer.
- Power factor penalty shall be
0.5% for every 1% fall from 92% upto and including 70% plus
1% for every 1% fall below 70% upto and including 30% plus
2% for every 1% fall below 30%

The penalty shall be on the monthly demand charges and energy charges

There shall not be any power factor penalty for leading power factor. Power factor incentive is hereby withdrawn.

- The printout of the record of the static meter relating to MD, PF, number and period of interruption shall be supplied to the consumer wherever possible with a payment of Rs.500/- by the consumer for monthly record.

18. **Cross Subsidy:-**

- For the purpose of calculating the cross-subsidy the estimated revenue realization and the estimated sale of energy to EHT, HT & LT category consumer has been taken into account while working out the average tariff of those respective categories as per the format given below:

Average Tariff realization = Total expected revenue to be realized from a category as per ARR/ Total anticipated sale to that category as per ARR

- The cross-subsidy calculated as per the above methodology is given in the table below:

Cross-subsidy for FY 2014-15

Year	Level of Voltage	Average cost of supply for the State as a whole (P/U)	Tariff P/U	Cross-Subsidy P/U	Percentage of Cross-subsidy above/below of cost of supply
1	2	3	4	5=(4-3)	6= (5 / 3)
2012-13	EHT	460.51	551.04	90.53	19.66%
	HT		552.09	91.58	19.89%
	LT		368.52	-91.99	-19.98%
2013-14	EHT	466.68	559.18	92.50	19.82%
	HT		559.69	93.01	19.93%
	LT		374.66	-92.02	-19.72%
2014-15	EHT	461.07	552.64	91.57	19.86%
	HT		553.15	92.08	19.97%
	LT		369.63	-91.44	-19.83%

19. **OHPC Tariff**

The station-wise ARR and average tariff calculated for the year 2014-15 is presented in the table below:

Station-wise ARR & Average Tariff Approved For 2014-15

(Rs. Cr.)

Details of expenses	RHEP	UKHEP	BHEP	HHEP	CHEP	Sub-Total	UIHEP	Total
Saleable Design Energy(MU)	519.75	823.68	1171.17	677.16	485.10	3676.86	1942.38	5619.24
Total ARR (Rs. Crore)	56.18	41.05	103.31	86.43	23.31	310.28	156.20	466.49
Average cost (P/U) 2014-15	108.08	49.84	88.21	127.64	48.06	84.39	80.42	83.02
Average cost (P/U) for 2013-14	78.48	35.36	71.14	92.53	52.21	65.62	80.53	70.77

On the basis of the ARR determined above, the Commission has approved station-wise capacity charge and energy charge rate for the FY 2014-15 as per the schedule given below:

Station-wise Capacity Charge and Energy Charge Rate for FY 2013-14 & 2014-15

Name of the Power Stations	Capacity Charge (Rs. crore)		Energy Charge Rate (P/U)	
	2013-14	2014-15	2013-14	2014-15
Rengali HEP	20.39	28.09	39.230	54.045
Upper Kolab HEP	14.56	20.525	17.676	24.918
Balimela HEP	41.65	51.655	35.562	44.105
HHEP	31.33	43.215	46.266	63.818
CHEP	12.66	11.655	26.097	24.025
Upper Indravati HEP	78.20	78.10	40.259	40.208
Machhakund HEP	-	-	30.80	41.68

- The estimated energy drawal from Machhakund is approved at 262.50 MU at an average rate of 41.68 P/kWh and at a cost of Rs.10.942 crore for the FY 2014-15 against the average rate of 30.80 P/kWh and cost of Rs. 8.08 crore for FY 2013-14 for the same energy drawal.
- For the FY 2014-15, the estimated energy drawal from OHPC stations including Machhakund comes to 5881.74 MU (5619.24 MU plus 262.50 MU from Machkund) at an average rate of 81.17 p/kWh and at a total cost of Rs.477.43 crore in comparison to the estimated energy drawal of 5881.74 MU (5919.24 MU plus 265 MU from Machkund) at an average rate of 68.98 p/kWh and at a cost of Rs.405.75 crore for the FY 2013-14.

20. **Transmission Charges- OPTCL:**

- 24,990 MU of energy to be transmitted through OPTCL's network in FY 2014-15 as against 23,448 MU in 2013-14.
- Total revenue requirement is approved at Rs. 624.50 crore for FY 2014-15 as against Rs. 585.87 crore for FY 2013-14.
- Transmission charge to use OPTCL's line and sub-stations has been kept constant at 25.00 p/u w.e.f. 01.04.2014.
- The Open Access Charges has been kept constant at Rs.6000 /MW/Day for long-term customers for FY 2014-15.
- Short-term Open Access customers shall continue to pay Rs.1500 /MW/day w.e.f. 01.04.2014.
- The transmission loss has been approved as 3.75% for FY 2014-15.

21. **BSP-GRIDCO**

- The SMD approved for 2014-15 for DISCOMs is 4020 MVA.
- Transmission loss for wheeling of electricity by STU has been calculated at 3.75% for 2014-15 as against the loss of 3.80% approved for the FY 2013-14.
- Out of 25,495.71 MU purchased, GRIDCO sales 24530.00 MU to DISCOMs and 10 MU to CGPs. Balance Power of 955.71 MU (@ 3.75% transmission loss) goes towards Transmission Loss on DISCOMs' purchase.
- **Bulk Supply Price:**

DISCOM-wise Bulk Supply Price as approved by the Commission is as follows:-

Name of the DISCOMs	Bulk Supply Price approved for 2012-13 (P/U)	Bulk Supply Price approved for 2013-14 (P/U)	Bulk Supply Price approved for 2014-15 (P/U)
CESU	261.00	259.00	265.00
NESCO	301.00	290.00	280.00
WESCO	300.00	294.00	286.00
SOUTHCO	182.00	180.00	185.00

Total	270.74	265.27	263.21
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- The table below summarizes how GRIDCO is required to purchase more power at cost higher than the quantum and rate approved by the Commission.

Comparison of power purchase cost of GRIDCO approved by the Commission in the ARR vrs Actual

Year	Commission's Approval			Actual		
	Energy MU	Rate P/U	Total cost Rs. in Cr.	Energy MU	Rate P/U	Total cost Rs. in Cr.
1999-00	10,176.13	103.36	1,051.82	11,197.38	104.10	1,165.60
2000-01	11,011.39	105.76	1,164.56	12,400.01	112.88	1,399.72
2001-02	12,345.07	94.60	1,167.82	12,467.03	95.27	1,187.77
2002-03	13,312.22	106.71	1,420.60	12,025.61	133.38	1,603.97
2003-04	14,818.80	115.52	1,711.87	15,896.76	100.33	1,594.89
2004-05	17,395.16	103.67	1,803.29	17,742.93	97.46	1,729.31
2005-06	16,640.02	110.36	1,836.38	16,806.08	120.41	2,023.58
2006-07	15,414.79	113.97	1,756.84	18,866.10	117.22	2,211.55
2007-08	17,539.47	119.91	2,103.11	20,934.39	119.91	2,510.28
2008-09	18,460.26	127.40	2,351.75	20,049.27	149.61	2,999.64
2009-10	19,719.37	148.27	2,923.80	20,956.19	196.94	4,127.03
2010-11	21,003.75	174.58	3,666.85	22,868.98	197.77	4522.70
2011-12 (Provisional)	23,489.18	210.32	4,940.30	22924.70	215.71	4945.01
2012-13	24096.88	236.17	5691.02	24086	231.00	5554
2013-14	24058.42	229.01	5,509.51	25403	212.00	5342
2014-15	25495.71	227.05	5788.75			

22. Important initiatives by the Commission

The Commission had allowed different schemes which were introduced in earlier RST orders and were continued during 2013-14 vide paragraph 179 until further orders. The same decisions shall continue during FY 2014-15.

23. Demand charges for Ice Factories dependant on fishing vis-a-vis statutory restriction on fishing

- The Fisheries Department of the Government of Odisha has introduced a seasonal prohibition on fishing by trawlers for a distance of 20 km from the seashore at the Devi (Jatadhari River mouth to Devi River mouth) and Rushikulya (Chilika lake mouth to Rushikulya River mouth). The annual ban was for the turtle season from January to May. Considering this ban we have allowed some concession to Ice Factories dependant on fishing in terms of demand charges in FY 2012-13 vide Para 250 to 257 in our RST Order for that year. We direct that same concession would continue for FY 2014-15 also. Accordingly during the statutory restriction imposed by the Fisheries Department, the Ice factory located at a distance not more than 5 KM towards the land from the seashore of the restricted zone will pay demand charges based on the actual maximum demand recorded during the billing period. There will be no changes in energy charges and other charges payable to the DISCOMs as per the existing Tariff Order and Regulations.
- Regarding modalities of implementation of the concession with regard to payment of demand charges on actual maximum demand recorded during restriction

period, it is difficult on the part of the Commission to identify which of the ice factory actually suffer from low business turn over due to the statutory restriction on fishing. It is the concerned distribution companies which are to identify only such ice factories located within a distance of not more than 5 KM towards the land from the sea shore of the restricted zone and then after periodical inspection and checking of meter reading the DISCOMs may allow payment of demand charges based on the actual maximum demand recorded during the restriction period only. The demand charges shall be based on maximum demand or 80% of the contract demand whichever is higher during the period other than the restriction period. In order that this special dispensation for the Ice factories located upto 5 KM towards land from the sea shore of the restriction zone is not misused, the DISCOMs should periodically inspect the functioning of the Ice factory and the manner of the consumption of electricity during the statutory restriction period. The above provision regarding fixation of demand charges shall continue until further orders.

24. **Issue of Public lighting**

- Due to unavailability of meter in many public lighting load, until metering is in place the Commission directs that billing should be done assuming 11 hours burning time taking the average use of summer and winter seasons.

25. **Pre-paid meters**

- Regulation 54(3) of OERC Distribution (Conditions of Supply) Code, 2004 provides that the licensee shall make out a plan for introduction and adoption of new technologies (such as Pre-paid Meters, time of the day meters, automatic remote meter reading system through appropriate communication system) becoming available with the approval of the Commission or as per the directions of the Commission. Therefore, licensees must try to adopt new metering technologies for better consumer service. A pre-paid meter not only helps the consumers to manage their purchase of electricity well, but also reduces the receivable of DISCOMs.
- Govt. of Odisha vide their notification No.914 dtd.04.02.2013 have been pleased to decide to install prepaid energy meters in government establishments including public sector undertakings, autonomous bodies, urban local bodies, govt. societies etc. at State, District and Block levels by 31.03.2013. Therefore DISCOMs are directed to stick to the above guidelines of the Govt. scrupulously. Any electricity dues accruing after this date shall not be treated as receivables by the Commission.
- We also direct that all such consumers who default in payment thrice during a particular financial year should mandatorily be fitted with pre-paid meters. The DISCOMs therefore immediately finalise the list of vendors for pre-paid meters and develop associated infrastructure for its installation. The pre-paid meters should have easy charge facilities. The vendor should provide facilities for sale of recharge vouchers in their respective licensed area. The DISCOMs are expected to provide all temporary connection through pre-paid meters only. No security deposit or rent should be collected from pre-paid consumers. The security deposit of existing consumers who will be fitted with pre-paid meters should be refunded in terms of recharge vouchers. The consumers having pre-paid meters pay their electricity charges up front before consuming the energy. The Commission would like to give a special incentive in the form of the two times of rebate of the applicable category. The DISCOMs will give this special concession in the form of additional energy in the recharge vouchers. The pre-paid metering facilities are applicable only for LT single phase and 3-phase consumers. As no HT prepaid

meters are available in the market and standards of HT prep-aid meter is yet to be finalised, the pre-paid metering facilities are not applicable to HT consumers. HT consumers shall have to deposit usual security deposit.

Tatkal Scheme for New Connection

- The Commission has received a number of grievances regarding undue delay in providing new power connection to their premises with one plea or other by the field Engineers of DISCOMs. The Commission would like to introduce a “Tatkal Scheme” for immediate power connection to the consumer premises after compliance of the following requirements.
 - (a) New connection application filled in as far as practicable.
 - (b) Contractors’ completion certificates of internal wiring including test reports.
 - (c) Indemnity Bond / Ownership document of the premises
 - (d) Deposit of processing fee and estimated amount for service connection.
- On compliance of the above requirement licensee shall communicate to the consumer the technical feasibility and remunerativeness of the application within three working days. On deposit of Tatkal charges, thereafter, the licensee shall extend the service connection within three working days. In case Tatkal connection is not effected the Engineer shall communicate the reason of delay, in writing to the consumer, as well as his/her next higher authority.
- This Tatkal scheme is applicable to consumers availing LT supply for Domestic, Agricultural and General Purpose only. The Tatkal charges are given below:

Category of Consumers	Tatkal charges
LT Single phase upto 5 kW load	Rs.2000/-
LT three phase 5 kW and above	Rs.2500/-
LT Agricultural consumers	Rs.1000/-
LT General Purpose single phase and three phase consumers	Rs.4000/-

The above Tatkal charges do not include meter cost.

Provisional/Average/Load Factor basis Billing

- The provisional billing has been allowed by us under Regulation 93 (8) and 99 of OERC Distribution (Condition of Supply) Code, 2004. The amount thus billed shall be adjusted against the bill raised on the basis of actual meter reading during subsequent billing cycle. Such provisional billing shall not continue for more than one meter reading cycle at a stretch. If the meter remains inaccessible even for the next cycle the licensee is free to proceed as per Section 163 of the Electricity Act, 2003 which may lead to cut-off the supply to the consumers. Therefore, the licensee must act expeditiously in case of inaccessibility of meter for reading purpose. In no case billing should be made on provisional basis for more than one billing cycle.
- Average billing is allowed by us under Regulation 97 of Supply Code, 2004 for the period the meter remains defective or is lost. The billing shall be made on the basis of average meter reading for the consecutive three billing periods succeeding the billing period in which the defect or loss was noticed. We have not allowed average meter reading in any other case except in case of defective meter or when the meter is lost. Therefore, the licensees must desist from billing on average basis in other cases.
- Load factor billing has been abolished by us w.e.f. 01.4.2004. It should not be utilized as a substitute billing methodology when the licensees are unable to read

meter for any other reason. Therefore, we direct that the licensees must adhere to the codal provision strictly. The consumers are at liberty to take recourse to remedial measures as provided in the Electricity Act, 2003 and Supply Code, 2004.

Adoption of new Metering Technology / Meter Rent

- CEA (Installation and operation of Meters) Regulation, 2006 regarding adoption of new technologies OERC Supply Code, 2004 provides as follows:
“The licensee shall make out a plan for introduction and adoption of new technologies (such as Pre-paid Meters, time of the day meters, automatic remote meter reading system through appropriate communication system) becoming available with the approval of the Commission or as per the directions of the Commission.” As per Section 55 of Electricity Act, 2003 the licensee may require the consumers to give him security for price of a meter and enter into agreement for the hire thereof, unless the consumer elects to purchase a meter. In view of the above the consumer should have the first option to provide the meter so that they could have a genuine correct meter. If that option is not exercised, it is the duty of the licensee to give initial supply with a correct meter and not force the consumer to purchase one. It is needless to say that if subsequently the meter gets defective the licensee has to follow the procedure as laid out in the Regulation 97 of Supply Code. The Commission fixes monthly meter rent for FY 2013-14 as follows:

Type of Meter	Monthly Meter Rent (Rs.)
1. Single phase electro-magnetic Kwh meter	20
2. Three phase electro-magnetic Kwh meter	40
3. Three phase electro-magnetic tri-vector meter	1000
4. Tri-vector meter for Railway Traction	1000
5. Single phase Static Kwh meter	40
6. Three Phase Static Kwh meter	150
7. Three phase Static Tri-vector meter	1000
8. Three phase Static Bi-vector meter	1000
9. LT Single phase AMR/AMI Compliant meter	50
10. LT Three phase AMR/AMI compliant meter	150

Note: Meter rent for meter supplied by DISCOMs henceforward shall be collected for a period of 60 months only.

- The monthly meter rent shall be charged from the consumers to whom meter has been supplied by the licensee. The licensee should strengthen their meter testing laboratories so that they can handle repair and replacement of defective meters quickly. Meter test report should be supplied to the consumer at the time of installation of the meter. The Commission desires that DISCOMs may initiate advance metering technology like pre-paid meters, automatic meter reading system (AMR/AMI) etc. by replacing sluggish yesterday technology meters in line with CEA and OERC Regulation. The DISCOMs, in line with the stated smart metering policy may introduce AMR / AMI compliant pre-paid/post-paid smart meters (as per consumer choice) in selected urban areas to start with. No meter cost except usual meter rent shall be charged to the consumers of such areas.

26. Commission monitored Smart Metering, Energy Audit and SCADA Schemes

As a support to the Distribution licensee (including its franchisees) in the adoption of latest technology in Metering and Billing for energy auditing and accounting to help reduce AT&C losses, the Commission has provided Rs.48.00 crores to CESU, Rs.38.00 crores to WESCO, Rs.30.00 crores to NESCO & Rs.15.00 crores to SOUTHCO

amounting to a total of Rs.131.00 crores under Special R&M during FY 2014-15 and directs the Distribution licensees to implement the following schemes as a time bound programme within a year i.e., during FY 2014-15 positively.

27. **Scheme 1 (Smart Metering):- Pilot Scheme**

Each licensee and franchisee in CESU shall adopt at least one 33/11 kV primary sub-station for smart metering project. All single phase and three phase consumers in the project area shall be provided with smart meters with remote disconnection/ reconnection facilities by the licensee/franchisee. No meter rent shall be collected for the smart meters provided to the consumers. A special rebate of 25 Paise/Unit (including all other regular rebate in vogue) shall be provided to the consumers if they pay their bills within due date for availing the rebate.

Consumer will have the option for either pre-paid or post paid meter and can interchange on demand. All the DTRs in the project area will have Data Concentrating Units (DCU) and DT metering with bi-directional communication.

The smart metering scheme would enable DISCOM to generate daily automatic LT energy loss report (DTR meter reading minus summation of readings of all LT consumers served by DTR), and tamper detection and automatic alerts for theft detection.

28. **Scheme 2 (Feeder wise Energy Audit):- For all 11 kV Feeders**

All the 11 kV feeders in the license area shall be covered under this energy audit scheme. All consumers shall be tagged to the feeder with GIS mapping. All 11 kV feeders will have meters to determine input Energy of each feeder so that it can be compared with total billed energy and collection in the said feeder. Third party validation of energy audit data shall be made. DISCOMs shall submit the data to the Commission every month.

29. **Scheme 3 (SCADA Operation):- at Distribution System Operation and Control Centre of the DISCOM**

It is understood that new SCADA enabled primary s/s are being established by OPTCL in DISCOMs area, as per the Govt. Scheme. DISCOMs have also plan to replace the existing 11 kV breakers, wherever required, with the state of the Art breakers, with remote operation facilities from the control rooms. The Distribution System Operation and Control Centre (DSOCC) of the DISCOM therefore, is required to be equipped with the SCADA control system software and hardware for remote operation of all 11 kV feeders along with Data Management and meter management software. New SCADA enabled primary sub-station being established by OPTCL on behalf of DISCOMs should be integrated with SCADA centre of DISCOMs. All the existing circuit breaker of primary sub-stations of DISCOM shall also be replaced with intelligent remote operated circuit breakers for better control of the operation from SCADA centre.

The Distribution Licensees are also directed to set the item-wise detailed monthly targets so as to complete the entire scope of work under the above schemes by 31st March, 2015. They shall submit monthly progress reports against the set targets for a month to the Commission by 10th of next month.

30. **Progress of CAPEX Work**

From the date of notification of the CAPEX programme, the following progresses have been achieved till March, 2014:

- DISCOMs have floated tender of worth Rs.826.77 crore (Reliance managed DISCOMs - Rs.443.55 crore and CESU – Rs.383.22 crore) for supply as well as turnkey projects.
- Purchase Orders worth Rs.375.74 crore have been placed for procurement of materials such as Power Transformers, A.B. Cable, Conductor, VCB and D.T etc. and turnkey Works orders worth Rs.355.20 crore have been placed for execution of erection works. In total Rs.730.94 crore orders have been placed.

- Govt. of Odisha has released Rs.680.83 Crore and out of which Rs.276.16 Crore have been spent by DISCOMs towards procurement of equipments and erection works till 12.3.2014. The details are furnished below:

Fund Released by Govt.		Amounts Spent by DISCOMs	
Financial Year	Amts(Rs. in Cr)	DISCOMs	Amts (Rs. in Cr.)
2010-11	205.00	CESU	156.83
2011-12	215.83	WESCO	28.90
2012-13	135.00	NESCO	41.76
2013-14	125.00	SOUTHCO	48.67
Total	680.83	Total	276.16

Reasons of delay in execution of the programme

- The achievement could not be made as per schedule due to following major bottlenecks encountered during the implementation:
 - The programme started functioning during 3rd quarter of FY 2010-11 at Govt. level.
 - Reconstitution of Technical Committee to scrutinize and finalize the Technical matter including specification of material/equipment.
 - Delay in finalization of Technical Specification of equipment/ materials, commercial terms and condition of turnkey projects.
 - Poor response to the tenders led to relaxation of terms and conditions time to time laid down in both Technical and Commercial specification and re-tendering of some of the major items in order to increase more participation.
 - DISCOMs had lack of organizational capability to handle such bigger size CAPEX. However they have developed over the period.
 - Non-availability of adequate no. of contractor to execute the work. As the capital expenditure in last one decade was insignificant, contractors have not developed to taken up this work in electricity distribution sector.
 - The Programme also got delayed because of inability on the part of the Reliance Managed DISCOMs (WESCO, NESCO & SOUTHCO) to arrange necessary counter-part funds for the Project.

In view of the reasons of delay stated above, the scheme period is extended upto FY 2015-16 vide notification dated 08-08-2013. The revised source of funding is given below:

Sources of Funding

(Rs. in Cr.)

Sl No	Sources	Financial Year					Total
		2011-12	2012-13	2013-14	2014-15	2015-16	
A	State Govt. Funding						
1	Financial Commission Grant (FCG)	125.00	125.00	125.00	125.00	-	500.00
2	1/3 rd matching share of State Govt. to FC Grant	20.00	-	73.33	73.34	-	166.67
3	1/3 rd matching share of GRIDCO (State Govt. Loan) to FC Grant	20.00	-	73.33	73.34	-	167.67
4	State's own Contribution	255.83	10.00	50.00	50.83	-	366.66
	Sub-total (1+2+3+4)	420.83	135.00	321.66	322.51	-	1200.00

B	DISCOMs Counterpart Funding						
5	1/3 rd DISCOMs share to FC Grant	-	-	83.34	83.33	-	166.67
6	DISCOMs own Contribution	-	-	-	133.33	900.00	1033.33
	Sub-total (5+6)	-	-	83.34	216.66	900.00	1200.00
C	Total (A+B)	420.83	135.00	405.00	539.17	900.00	2400.00

31. **Accelerated Power Development Reform Programme (APDRP)**

- Licensees in their filing have submitted that no amount has been estimated to be spent under APDRP scheme during the ensuing year FY 2014-15. The interest liability on APDRP has been considered on the adjusting loan only @ 12% for Govt. of Odisha loan and @13.5% on the loan received from REC/ PFC.
- The interest liability on loans from GoO & REC/PFC is computed on the basis of the actual expenditure of APDRP during the current year and balance expenditure to be incurred during the ensuing year. The DISCOMs have not projected any receipts on account of APDRP loan from GoO or REC/PFC during the years FY 2013-14 & 2014-15. They have already utilized the amounts received during the previous years. Accordingly, the loans availed and anticipated receipts along with approved interest for FY 2014-15 are tabulated below:

(Rs. in Cr.)

APDRP	Balance upto FY 2012-13		Receipt during FY 2013-14 & 2014-15		Repayment during FY 2013-14 & 2014-15		Balance upto FY 2014-15		Interest due for FY 2014-15		Total interest approved for FY 2014-15
	GoO	REC/PFC	GoO	REC/PFC	GoO	REC/PFC	GoO	REC/PFC	GoO	REC/PFC	
WESCO	10.83	5.18	0	-	0	1.97	10.83	3.21	1.30	0.46	1.76
NESCO	6.36	0				0.00	6.36	0.00	0.76	0.00	0.76
SOUTHCO	6.625	2.69			0.66	1.03	5.965	1.66	0.76	0.24	0.99
CESU	37.09	16				7.09	37.09	8.91	4.45	1.49	5.95

32. **Truing up**

Commission carries out the true up of the expenses allowed in the previous ARR with the annual audited accounts as available for that year along with the ARR for the ensuing year. The Commission finalised the truing up upto FY 2011-12, for all DISCOMs during the finalisation of last year ARR for FY 2013-14.

- In the meantime all the four DISCOMs have submitted their audited accounts upto 31.3.2013 and basing on such audited accounts further truing up has been carried out upto 31.3.2013 applying principles for the previous years. As per the said truing up exercise all the four DISCOMs have landed up with positive true up amounts therefore no provision is made on the account of true up in the ARR for FY 2014-15. The summary of true up over the years is tabulated below:

True up of DISCOMs

(Rs. in Cr.)

	WESCO	NESCO	SOUTHCO	CESU
1999-00	(21.68)	(65.79)	(55.97)	(172.64)
2000-01	(50.78)	(53.43)	(50.45)	(86.73)
2001-02	8.85	(83.28)	(34.85)	(30.02)

2002-03	36.36	(21.92)	(18.34)	(68.63)
2003-04	48.19	(21.31)	(38.84)	(59.19)
2004-05	32.86	(64.90)	(86.51)	(2.73)
2005-06	123.32	54.39	4.75	99.49
2006-07	107.45	70.07	(26.74)	26.82
2007-08	149.13	87.14	43.66	165.69
2008-09	192.68	69.28	67.89	67.00
2009-10	241.74	167.07	66.16	132.02
2010-11	355.33	180.10	128.77	319.35
2011-12	357.31	220.50	144.43	263.48
2012-13	440.01	98.68	130.30	259.31
TOTAL	2020.77	636.56	274.27	913.21
Regulatory Assets allowed				
2006-07	0.00	41.36	31.91	0.00
2007-08	0.00	41.36	31.91	43.23
2008-09	0.00	65.00	0.00	118.00
2009-10	0.00	0.00	19.00	151.00
2011-12			35.00	7.30
2012-13			9.00	
Total Regulatory Assets allowed	0.00	147.72	126.82	319.53
NET TOTAL	2020.77	784.28	401.09	1232.74

33. **Renewable Purchase obligation**

- OERC in its order dt 30.09.2010 vide Case No. 59/2010 has issued a Regulation fixing the RPO in the State of Odisha. Every Obligated Entity shall purchase not less than 5% of its total annual consumption of energy from co-generation and renewable energy sources under the RPO Regulations from 2011-12 onwards with 0.5 percentage increase every year thereafter, till 2015-16 or as reviewed by the Commission even earlier, if any. Provided that 0.10 percentages out of the RPO so specified in the year 2011-12 shall be procured from generation based on solar as renewable energy source and shall be increased at a rate of 0.05 percentage every year thereafter till 2015-16 or as reviewed by the Commission even earlier, if any. Accordingly, the year and source wise RPO would be as below:

Year-wise target	Minimum quantum of purchase in percentage (in terms of energy consumption in the State in KWH)			
	Renewable		Co-generation	Total
	Solar	Non-solar		
2009-10 (Actual)	-	0.80	3.45	4.25
2010-11	-	1.0	3.50	4.5
2011-12	0.10	1.20	3.70	5.0
2012-13	0.15	1.40	3.95	5.5
2013-14	0.20	1.60	4.20	6.0
2014-15	0.25	1.80	4.45	6.5
2015-16	0.30	2.00	4.70	7.0

- The Co-generation and renewable energy sources excepting roof-top Solar PV and bio-gas sources shall be connected to the State Grid at a voltage level of 132 KV or 33 KV or 11 KV subject to technical suitability determined by the licensee. If any dispute

arises about the technical suitability of connection of such sources with the grid, the matter shall be referred to the Commission whose decision in this regard shall be final.

- The Commission, vide its order dated 18-11-2010, designated OREDA as State Designated Agency for accreditation and recommending the renewable energy projects for registration and to undertake to function under OERC (Renewable and Co-Gen purchase obligation and it's compliance) Regulation 2010.

34. **Renewable Sources of Energy and Tariff**

As per the estimation of Odisha Renewable Energy Development Agency (OREDA), the Nodal Agency for development of Renewable Energy Sources, the RE power potential of the state is about 16430 MW, where as per the estimation of WISE, the RE potential of the state is about 7874 MW as shown in the table below.

RE power potential of Odisha

Sl. No	Sources	RE Potential assessed by OREDA (in MW)	RE Potential assessed by WISE (in MW)
1	Wind Energy	1700	2430
2	Biomass Power	350	240
3	Micro/ Mini /Small hydro	360	184
4	Municipal Solid / liquid waste	20	20
5	Solar	14000	5000

The Commission in its order dated 14.09.2010 in Case No. 37/2008 have approved following levelled generic tariff for various renewable sources applicable for the project to be commissioned during the Control period from 2010-11 to 2012-13. The Commission may however review the generic tariff for Sollar PV and Solar Thermal annually owing to the changing Capital Cost benchmark. The levelled generic tariff for various renewable sources of energy having "Single part tariff" is approved as in the following table:

Particular	Levelled Total Tariff (for the control period 2010-11 to 2012-13) (Rs./kWh)	Benefit of Accelerated Depreciation (if availed) (Rs./kWh)	Net Levelled Tariff (upon adjusting for Accelerated Depreciation benefit) (if availed) (Rs./kWh)	Tariff Period (Years)
Wind Energy	5.31	(0.83)	4.48	13
SHP projects of 5 to 25 MW capacity	3.64	(0.55)	3.09	13
SHP projects below 5 MW capacity	3.91	(0.60)	3.31	35
Solar PV	17.80	(3.03)	14.77	25
Solar Thermal	14.73	(2.41)	12.32	25

The levelled generic tariff for various renewable sources of energy having "Single part tariff with two components" was approved as in the following table:

Particular	Levelled fixed component of Tariff	Variable(Fuel) Component of tariff for	Effective tariff for FY 2010-11	Benefit of Accelerated depreciation (if availed)	Net Tariff (Rs./kWh)
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	(Rs./kWh)	FY 2010-11		(Rs./kWh)	
Biomass	1.95	2.14	4.09	(0.21)	3.88
Non-fossil fuel based co-generation	2.26	2.14	4.40	(0.28)	4.12

Note: 1. For Biomass projects the tariff approved above including levelized fixed component and variable (fuel component) for FY 2010-11 has been shown. The approved tariff year-wise for entire tariff period i.e.13 years is shown in the output table at Appendix-3 of the detailed Order.

2. For Non-fossil fuel based co-generation projects the above approved tariff including levelized fixed component and variable (fuel component) for FY 2010-11 has been shown. The approved tariff year-wise for entire tariff period i.e.13 years is shown in the output table at Appendix-4 of the detailed Order.

Further, the Commission in its order dated 23.09.2011 in Case No. 151-155/2010 has revised the generic tariff of Bio-mass projects commissioned during the control period of 2010-11 to 2012-13 as given in the table below:

Year	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Variable tariff	2.92	3.06	3.21	3.37	3.54	3.72	3.91	4.10	4.31	4.52	4.75	4.99	5.24
Levelling fixed Tariff	1.95	1.95	1.95	1.95	1.95	1.95	1.95	1.95	1.95	1.95	1.95	1.95	1.95
Year-wise Tariff	4.87	5.01	5.16	5.32	5.49	5.67	5.86	6.05	6.26	6.47	6.70	6.94	7.19
Benefit of Accel. Deprn	0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21
Year-wise tariff after Accel Deprn.	4.66	4.80	4.95	5.11	5.28	5.46	5.65	5.84	6.05	6.26	6.49	6.73	6.98

The Commission vide its order dated 20.06.2012 in Case No. 1 of 2012 has re-determined the generic tariff of Solar PV and Solar Thermal Projects commissioned during the FY 2012-13 as given in the table below.

Particular	Levelling Tariff (Rs./kWh)	Benefit of Accelerated Depreciation (Rs./kWh)	Net Levelling Tariff (Benefit of Accelerated Depreciation if availed) (Rs./kWh)	Tariff Period (Years)
Solar PV	13.34	(1.75)	11.59	12
	8.74	-	8.74	13
Solar Thermal	14.81	(1.96)	12.85	12
	10.91	-	10.91	13

In a Suo-motu proceeding for finalization of Generic Tariff of Renewable Energy Sources including Cogeneration for the Second Control Period from 2013-14 to 2017-18 in Case No 80 of 2013, the Commission passed an Order on 15.01.2014 which is applicable to the Renewable Power Projects to be set up in the State of Odisha for the Second Control Period from 2013-14 to 2017-

The summary of the Generic tariff for renewable technologies for the second control period from 2013-14 to 2017-18 is as follows:

- (i) The levelling generic tariff for various renewable sources of energy having "Single part tariff" is approved as in the following table:

Particular	Levelling Total Tariff (for the 1 st year of current control period (Rs./kWh)	Benefit of Accelerated Depreciation (Rs./kWh)	Net Levelling Tariff (upon adjusting for Accelerated Depreciation benefit) (Rs./kWh)	Tariff Period (Years)
Wind Energy	6.24	(0.45)	5.79	13
SHP projects of 5 to 25 MW capacity	4.26	(0.48)	3.78	25
SHP projects below 5 MW capacity	4.89	(0.52)	4.37	25
Solar PV	11.44	(1.12)	10.32	First 12 yrs
	6.78	-	6.78	Next 13 yrs
Solar Thermal	9.52	(1.70)	7.82	First 12 yrs
	5.26	-	5.26	Next 13 yrs

- (ii) The levellized generic tariff for various renewable sources of energy having “Single part tariff with two components “ is approved as in the following table:

Particular	Levelling fixed component of Tariff (Rs./kWh)	Variable(Fuel) Component of tariff	Effective tariff	Benefit of Accelerated depreciation (Rs./kWh)	Net Tariff (Rs./kWh)
Biomass	2.13	3.20	5.33	(0.15)	5.18
Non-fossil fuel based co-generation	2.34	2.77	5.11	(0.28)	4.83

Note: 1. For Biomass projects, the tariff approved above including levellized fixed component and variable (fuel component) for FY 2013-14 has been shown. The approved tariff year-wise for entire tariff period i.e.13 years is shown in the output table at Appendix-3.

2. For Non-fossil fuel based co-generation projects the above approved tariff including levellized fixed component and variable (fuel component) for FY 2013-14 has been shown. The approved tariff year-wise for entire tariff period i.e.13 years is shown in the output table at Appendix-4.

- The impact of additional power purchase cost arising out of meeting the RPO obligation shall be factored in to the ARR of GRIDCO each year.
- The Commission shall take into consideration any incentive or subsidy offered by the Government of India/State Govt. including accelerated depreciation benefit if to be availed by the developer for the renewable energy power plants and such benefits shall be passed on to the consumers of the State.
- **Rebate:** For payment of bills of the RE Power Projects through letter of credit or by cash within two working days (except holidays under N.I. Act), a rebate of 2% shall be allowed. Where payments are made other than through letter of credit within a period of one month of presentation of bills by the generating company, a rebate of 1% shall be allowed.

- **Late Payment Surcharge:** In case the payment of any bill for charges payable under these Guidelines is delayed beyond a period of 60 days from the date of billing, a late payment surcharge at the rate of 1.25% per month shall be levied by the generating company.

35. **Power Purchase from Renewable Sources:**

Small Hydro Sources:

- Considering the proposal of GRIDCO, the Commission has allowed GRIDCO to purchase 300 MU of renewable energy from these two SHEPs for consumption in the state during FY 2014-15.

Proposed Drawl from Small Hydro Sources for FY 2014-15

Sl. No.	Name of the SHEPs	Installed Capacity (MW)	Energy drawl during the 1st six months of 2013-14 (MU)	Proposed Energy procurement for FY 2014-15 (MU)
1.	Meenaskhi Small Hydro	37	147.35	195.00
2.	SAMAL Small Hydro	20	54.51	105.00
	Total		201.86	300.00

36. **Bio-mass Energy:**

- GRIDCO in its ARR application had not made any provision for purchase of renewable energy from biomass sources. After the disposal of the petition filed by M/s. Salivahan Green Ltd. (SGL) by the Commission vide its order dtd.01.03.2014, availability from this plant is estimated at 94.61 MU. Similarly, the Commission is of the view that energy may also be available from the biomass plant of M/s. Octant Industries Ltd. as submitted by GRIDCO in its rejoinder. Accordingly, the energy availability from both the plants is estimated during FY 2014-15 considering the PLF of 60% and auxiliary consumption of 10% as given in the table below.

Drawal from Bio-mass Energy Sources for FY 2014-15

Sl. No.	Name of the Plants	Installed Capacity (MW)	Proposed Energy procurement for FY 2014-15 (MU)	Available Energy estimated by OERC for FY 2014-15 (MU)
1.	M/s. Shalivahan Green Energy Limited	20		94.61
2.	M/s Octant Industries Ltd.	10		47.30
	Total	30	210	141.91

37. **Solar Energy:**

- In its submission, GRIDCO is hopeful to procure 105 MU of Solar Energy from the following sources to meet its Solar Power Purchase Obligation during the FY 2014-15.
- 13 MU from 8 Nos. of Solar PV Projects of 1 MW capacity each commissioned in the State under 'Rooftop PV and Small Solar Power Generation Programme' (RPSSGP) guidelines of MNRE, GoI.
- 25 MU from 15 MW Solar capacity as per the Power Sale Agreement (PSA) executed with NTPC Vidyut Vyapar Nigam Limited (NJVNL) on 12th January 2011 under 'New Projects Scheme' under Phase-1 of Jawaharlal Nehru National Solar Mission (JNNSM) where Solar capacity bundled with equal quantum of thermal capacity from the unallocated quota of the NTPC Coal Based Stations is available to GRIDCO.
- 17 MU from 10 MW Solar capacity as per the PPA executed with NTPC on 26.04.2011 to procure Solar power of 5 MW each from Dadri Solar PV project at U.P. & Faridabad Solar PV Project at Haryana.

- 8 MU will be made available to GRIDCO from the 5 MW Solar PV Project developed by M/s Alex Green Energy Ltd. under OREDA State Scheme at Patnagarh in Bolangir district.
- 42 MU will be made available to GRIDCO from 25 MW Solar PV Project to be developed by M/s ACME Odisha Solar Power Pvt. Ltd. in Bolangir district under OREDA State Scheme Phase-II.
- Thus, GRIDCO proposes to procure a total of 105 MU of Solar power during FY 2014-15 as given in the Table below:

Proposed Drawl of Solar Power during FY 2014-15

Sl. No.	Solar RE Sources	Energy Proposed for procurement during FY 2014-15 (MU)
1.	8 Nos. of Solar PV projects of 1 MW each under RPSSGP	13
2.	20 MW from NVVN through 'New Projects scheme' under JNNSM, Phase-1	25
3.	10 MW through NTPC from Solar PV projects at Dadri & Faridabad of 5 MW each	17
4.	5 MW from M/s Alex Green Energy Ltd. through OREDA State Scheme	8
5.	25 MW from SPV Project to be developed by M/s ACME Odisha Solar Power Pvt. Ltd.	42
	Total	105.00

- The Commission approves the above proposal of GRIDCO to procure 105.00 MU from Solar RE Sources. Thus, the total procurement of Renewable Energy during FY 2014-15 from Solar, Bio-mass & Small Hydro Sources comes to 546.91 MU. The procurement of energy from Co-generation Plants has been approved at 1160 MU. Hence, the total estimated power procurement for the purpose of RCPO comes to 1706.91 MU which is approved by the Commission for State use. The source-wise power procurement from Renewable and Co-generation sources are indicated in the Table below:

Drawl from Renewable Energy Sources during FY 2014-15

Sl. No.	RE Sources	Energy approved for Procurement during FY 2014-15 (MU)	Percentage w.r.t. the total estimated drawl of DISCOMs (%)	RCPO fixed in the Regulation for FY 2014-15 (%)
A.	Non-Solar RE			
(i)	Small Hydro Electric Project (SHEP)	300.00	1.22	
(ii)	Energy from Bio-mass	141.91	0.58	
	Sub-Total (Non-Solar)	441.91	1.80	1.80
B.	Solar RE	105.00	0.43	0.25
C.	Total (Solar & Non-Solar)	546.91	2.23	2.05
D.	Energy from Co-Generation Plants	1160.00	4.73	4.45
E.	Total Energy for RCPO	1706.91	6.96	6.50

(*) Total purchase of DISCOMs has been estimated to 24530 MU.

However, the Commission observed that the estimated sale of power to DISCOMs is 24530 MU for state consumption and the estimated quantum of energy available to

GRIDCO from Co-generation and Renewable Sources is adequate to meet the Renewable and Co-gen purchase obligation fixed by the Commission for the FY 2014-15. The approval of energy from Solar & Co-gen sources is at little higher side, keeping in view mandate in Electricity Act 2003, for promotion of Co-generation and Generation of Electricity from Renewable Sources of Energy.

38. **SLDC to function as Independent System Operator (ISO)**

- Section 31 and 32 of the Electricity Act, 2003 contemplate SLDC as an Independent Apex Body to ensure integrated operation of the power system in the State. The Act also provides for financial independence of SLDC under Section 32 (3) by way of levy and collection of fees and charges from generating companies and the licensees using the Intra-State transmissions network. OERC has formulated the OERC (Fees and Charges of SLDC and other Related matters) Regulations, 2010 for implementation of levy of annual fee and charges for SLDC functions in Odisha.
- The Commission vide Order dtd. 22.03.2014 approved ARR of Rs.8.56 crore comprising System Operation Charges (SOC) of Rs.6.85 Crore per annum and Market Operation Charges (MOC) of Rs 1.71 Crore per annum for 2014-15.

39. **System Operation Charges (SOC)**

The System Operation Charges (SOC) of Rs.685.14 lakh/ annum or Rs.57.10 lakh/ month shall be apportioned for collection from the following stakeholders as under:

- Intra –State Transmission Licensee @ 10% of SOC- Rs.68.51 lakh/ annum or
Rs.5.71 lakh/ month.
- Generating Stations & Sellers @ 45% of SOC..... Rs.308.31 lakh/ annum
or
Rs.25.69 lakh month.
- DISCOMs & Buyers @ 45% of SOC..... Rs.308.31 lakh/ annum
or
Rs.25.69 lakh month.

40. **Market Operation Charges (MOC)**

The Market Operation Charges (MOC) of Rs.171.29 lakh/annum or Rs.14.27 lakh shall be apportioned for collection from the following stakeholders as under:

- Generating Stations & Sellers @ 50% of MOC..... Rs.85.64 lakh /
annum or
Rs.7.14 lakh / month
- DISCOMs & Buyers @ 50% of MOC..... Rs.85.64 lakh /
annum or
Rs. 7.14 lakh / month

41.

Open Access in Transmission and Distribution:

- OERC has issued OERC (Terms and Conditions for Open Access) Regulations, 2005 on 06.06.2005 for introduction of Open Access to the intra-state transmission and distribution system in Odisha effective from 21.06.2005.
- As per that Regulation, consumers seeking Open Access to the distribution and/or intra-state transmission system can avail supply of electricity exceeding 1 MW from any licensee other than the Distribution Licensee of the respective area of supply w.e.f. 01.04.2008 and from a generating company w.e.f. 01.01.2009.
- The Commission has also issued OERC (Determination of Open Access Charges) Regulation, 2006 on 06.06.2006 which is made effective from 18.07.2006.
- As per this Regulation transmission charges (payable to STU), wheeling charges and cross subsidy surcharges (payable to DISCOMs) are being notified by the Commission for Open Access consumer every financial years w.e.f. FY 2008-09.

Present status of Open Access

- All the STOA applications for inter-State / intra-State Open Access have been processed by SLDC.
- In the year 2009-10, 315 numbers of applications were received for STOA in Inter State Transmission system. Consent had been accorded for 301 numbers of applications. The remaining 14 numbers have been rejected due to non compliance of Provisions of CERC (Open Access in Inter state Transmission) Regulations.
- In the year 2010-11, 132 numbers of applications were received for STOA in Inter State Transmission system. Consent had been accorded for 101 numbers of applications. The remaining 31 numbers have been rejected due to non compliance of Provisions of CERC (Open Access in Inter state Transmission) Regulations.
- In the year 2011-12, 127 numbers of applications were received for STOA in Inter State Transmission system. Consent had been accorded for 104 numbers of applications. The remaining 23 numbers have been rejected.
- 2 nos. of intra-state STOA are allowed.
- In the year 2012-13, 332 numbers of applications were received for STOA / MTOA in Inter State Transmission system. Consent had been accorded for 308 numbers of applications. The remaining 24 numbers have been rejected.
- 8 nos. of intra-state STOA are allowed.
- In the year 2013-14, 739 numbers of applications were received for STOA / MTOA in Inter State Transmission system. Consent had been accorded for 664 numbers of applications. The remaining 75 numbers have been rejected / withdrawn by applicant.
- 19 nos. of intra-state STOA are allowed against total 22 nos. of applications.
- No application is pending with SLDC. Generally the status of the applications is conveyed to the applicant within three days by SLDC as per the Regulation.
- Some of the STOA applications have been denied by SLDC for non-compliance of SCADA and other provisions of Indian Electricity Grid Code (IEGC) and Odisha Grid Code (OGC).
- There are two other long term captive consumers such as M/s ICCL and NALCO which have been availing Open Access since OSEB days.

42. **Franchisee:**

The status of franchisees as on 31st March, 2014 is as given bellow.

Franchisee Activity as on 31st March-2014*					
	CESU	NESCO	WESCO	SOUTHCO	ODISHA
No of Micro-Franchisees	-	16	48	347	411
No of Consumers Covered	-	25166	12451	248738	286355
No of Macro-Franchisees	5	8	3	-	16
No of Consumers Covered	6294	60388	46505	-	113187
No of Input Based-Franchisees	14	1	4	-	19
No of Consumers Covered	14,17,209	31227	15234	-	1463670
Total no of consumers covered under Franchisee	14,10,915	116781	74190	248738	1850624

* Based on performance review data.

43. **Functioning of the Energy Police Station & Vigilance and Antitheft Measures**

The Commission had reviewed the progress of Licensees in controlling theft of electricity with the help of Energy Police Stations. The performances of DISCOMs with respect to reducing theft as on 31st March, 2014 for complete year is as given bellow.

Anti Theft Measures*	CESU	NESCO	WESCO	SOUTHCO	All Odisha
No of cases Finalized under Section 126 & 135	1006	6651	16661	8367	32685
Amount Finalized (Rs. cr)	9	11	15.86	9	44.22
Amount Assessed during filing of case (Rs Cr)	9	19	15.86	15	58.39
No of Connection Regularized	2805	1792	18459	106	23162
Amount Collected (Cr.)	2	7	7.21	6	21.95
NO. of FIR Lodged	405	161	161	113	840
No. of illegal consumers prosecuted/Initiated in Court	-	85	64	67	216
Number of disconnection made	-	18218	138753	17805	174776
Revenue realized (Rs. Cr.)	-	22	39.23	3	63.57

* Based on performance review data.

Monitoring of the performance of the Licensees

Performance Review During the FY 2012-13 – The Commission monitors the performance of the utilities under various financial & technical parameters, including distribution loss, AT&C loss, collection efficiency, license conditions and performance standards, etc. Interruptions in Distribution System are measured in terms of Reliability Indices. The performance of DISCOMs for FY 2013-14 is summarized as follows:-

Overall Performance of DISCOMs

	2010-11		2011-12		2012-13		2013-14		2014-15
	OERC Approval	Actual	OERC Approval	Actual	OERC Approval	Actual	OERC Approval	Provisional	Approval
A. DISTRIBUTION LOSS (%)									
CESU	25.37%	38.30%	24.00%	38.20%	23.00%	37.00%	23.00%	34.64%	23.00%
NESCO	18.46%	32.75%	18.40%	34.28%	18.35%	34.93%	18.35%	33.84%	18.35%
WESCO	19.93%	38.89%	19.70%	38.89%	19.60%	38.27%	19.60%	36.57%	19.60%
SOUTHCO	27.82%	48.22%	26.50%*	46.42%	25.50%	43.68%	25.50%	40.99%	25.50%
ALL ODISHA	22.22%	38.34%	21.71%	38.56%	21.30%	37.80%	21.30%	35.85%	21.38%
B. COLLECTION EFFICIENCY (%)									
CESU	98.00%	92.62%	99.00%	97.14%	99.00%	93.44%	99.00%	94.63%	99.00%
NESCO	98.00%	92.38%	99.00%	100.56%	99.00%	91.63%	99.00%	96.85%	99.00%
WESCO	98.00%	91.32%	99.00%	97.13%	99.00%	92.79%	99.00%	92.28%	99.00%
SOUTHCO	98.00%	91.54%	99.00%	97.80%	99.00%	93.88%	99.00%	90.85%	99.00%
ALL ODISHA	98.00%	92.05%	99.00%	98.08%	99.00%	92.86%	99.00%	94.02%	99.00%
C. AT & C LOSS (%)									
CESU	26.86%	42.85%	24.76%	39.97%	23.77%	41.14%	23.77%	38.15%	23.77%
NESCO	20.09%	37.87%	19.22%	33.91%	19.17%	40.38%	19.17%	35.93%	19.17%
WESCO	21.53%	44.19%	20.50%	40.65%	20.40%	42.72%	20.40%	41.47%	20.40%
SOUTHCO	29.27%	52.60%	27.24%	47.60%	26.25%	47.13%	26.25%	46.39%	26.25%
ALL ODISHA	23.77%	43.24%	22.49%	39.74%	22.09%	42.24%	22.09%	39.69%	22.17%

ENGINEERING DIVISION

44. **Major Activities of Engineering Division (FY 2013-14)**

- This Division provides vital technical input for grant, revocation, amendment or exemption of license. It monitors the performance of the utilities [i.e. Bulk Supply (Trading) Licensee, Transmission Licensee and Distribution Licensees] under various technical parameters, including license conditions and performance standards. Interruptions in Distribution System are measured in terms of Interruption Reliability Indices (known as SAIFI, SAIDI and MAIFI), for which the Distribution Licensees submit their monthly, quarterly and annual performance report including the interruption ones in a report every quarter and a consolidated annual report in every financial year. This Division also looks into general complaints of technical nature affecting large areas / industrial / group of consumers.
45. The Annual Guaranteed and Overall Performance report for the year 2012-13 were submitted by the DISCOMs. The consolidated Annual Guaranteed Performance report was published in the OERC website and Overall Performance report was published in daily newspapers on 25.01.2014 and also in the OERC website. The Overall Standards of Performance of DISCOMs, as reported and furnished through affidavit for the year 2012-13 is placed as ANNEXURE.
46. OPTCL has inherited from GRIDCO a considerable ageing transmission network. Continuous up-gradation and regular repairs and maintenance are required to keep the network in a safe and operational condition and to meet the growing requirements of DISCOMs' demand as well as to fulfill the Commission's and consumers' expectations on quality of supply, performance standards and availability of transmission network. As a result of this, the Commission, over the past several years, has been allowing a significantly higher amount for R&M expenses for encouraging the Licensee to undertake regular & adequate maintenance. Timely maintenance of equipment can prolong the longevity of the equipments, reduce downtime and provide quality supply.
47. The Commission has directed OPTCL that DISCOMs are to be intimated well before the completion of any transmission project so that they should be prepared for receiving power from those and accordingly build their downstream distribution lines for evacuation of power. OPTCL should discuss with the DISCOMs before submission of transmission projects for approval of OERC, so that the investment on s/s should not be left idle due to non-completion of inter linking transmission lines. Further, OPTCL should regularly monitor the progress of all its on-going projects to avoid in-ordinate delay. Projects should be completed within the time schedule to avoid cost and time over-run and overloading of existing system due to growth in demand. OPTCL should prioritize the projects in terms of requirement and draw a phase wise project implantation schedule with specific time-line.
48. There is a substantial loss to the OPTCL transmission system due to severe cyclone 'PHAILIN' during October, 2013. The Commission opined that the amount spent by OPTCL for restoration of damaged transmission system may add additional burden to the consumers, if passed through tariff. Since, it is a Force Majeure condition, the amount may be availed from the State Govt. as a grant from Disaster Mitigation Fund. Hence, OPTCL may approach the State Govt for release of some funds to OPTCL as a grant for repair/restoration work. OPTCL is also directed to constitute an in-house investigation team to enquire and report on the possible reasons of large scale tower failure in a particular corridor. The team may also recommend the actions required to avoid such type of failures in future.

49. DISCOMs were also directed to take up the issue of damages during the cyclonic storm PHAILIN and cost of restoration of power with Govt. of Odisha to declare the event as force majeure for appropriate treatment of unforeseen expenditure to avoid upfront loading into retail supply tariff.
50. In order to extend quality & reliable power to the consumers of the state, distribution licensees are to comply the following recommendations:
- Pro-active action for disconnection of such consumers whose bills are not paid continuously for last 6 months (including Govt Connections). Apart from that, initiatives should be taken to install pre-paid meters in all Govt. Offices in accordance with the decision of the Govt. of Odisha.
 - To undertake energy audit in massive scale. To start with at least one 33/11 KV substation should be considered to carry out complete energy audit.
 - Maintenance of Sales Database of all its consumers every month.
 - Collection of arrear especially the current bill amount of 2013-14 should be collected through special drive and monitored in order not let arrear accumulate. Newspaper advertisement about arrear should be flashed.
 - Vigilance and Energy Police Station (EPS) should be given monthly target and those targets are to be monitored by the CEO/MD periodically. Official involvement should be enquired into and tangible and demonstrative action needs to be taken for non performance. Loss report of the area should go to Energy Police Station (EPS). Executive Engineers and Vigilance Wing to monitor them the loss reduction target.
 - Regular measurement of earthing at every locations and proper record keeping.
 - Regular checking of connectors and joints and replacement of worn out arcing AB switches.
 - Operation of all breakers and their mechanism must be checked at least once in a month.
 - Proper fencing and compound walls should be provided in all S/Ss for safety & security.
 - Long, overloaded 11 kV feeders should be provided with intermittent S/Ss.
 - Load balancing, pruning of tree branches, replacement of damaged insulators & lightning arrestors
 - Initiation of one pilot scheme to provide smart meters for all LT consumers connected to one 33/11 kV substation or at least to one 11 kV feeder. All these LT single/3-phase consumers who are connected complete with smart metering for the entire 33/11 kV sub-station area or 11 kV feeder area for energy auditing shall be eligible for a special rebate of 25 P/U opting for smart meters/pre-paid meters.
 - DISCOMs are also directed to maintain an inventory of electric meters with facilities of meter reading without human interface (IR port facility/downloading) and/or smart meters to replace the existing faulty meters as well as giving new connection. As far as practicable consumers shall not be forced to buy its own meter.

The Commission expects that with continuous monitoring, the system will revive and continue to give good service to the consumers if certain vital elements of the system are taken care of. The Commission may also engage the services of independent expert teams and /or Commission's officials in future to verify the correctness of the compliance reported/to be reported by the licensees.

51. The Engg. Division took up the following other activities during the FY 2013-14:
(a) **Odisha Grid Code (OGC) Regulations, 2006 and its Amendment.**

i) The Commission has framed the Odisha Grid Code (OGC) Regulation, 2006 (effective 14.06.06) and has amended the same from time to time based upon the proposals from the stakeholder, recommendations of the Grid Coordination Committee and orders of OERC issued in different cases for its amendment. The OGC, 2006 was framed when IEGC, 2006 was in force. Now, various new developments have cropped up in view of CERC orders/guidelines, CEA Regulations on grid connectivity, Manual on Transmission Planning Criteria, Stringent Frequency Condition for Operational Safety and Grid Discipline, connectivity of the renewable generators with the grid and Scheduling/ Despatch thereof etc. These new developments associated with framing of IEGC, 2010 necessitates that the OGC, 2006 be amended to make them compatible with the new developments. With the aforesaid objective, the Commission as per section 181(3) of the Electricity Act, 2003, circulated the draft OGC -2014 and has invited opinion from the stake holders through the previous publication. The Commission has received the response of some stakeholders. The same is under scrutiny and approved Odisha Grid Code Regulations will be published in the official gazette for information of all concerned.

ii) In view of the provisions contained in Regulation 7 of the CEA(Measures relating to safety and Electric Supply) Regulations, 2010, the licensees should take appropriate actions as regards to safety measures for operation and maintenance of transmission, distribution system. The Commission has asked the DISCOMs that the safety officers should inspect the installations and ensure adherence of safety parameters to minimize Electrical Accidents. Further, DISCOMs should make provisions for safety measures in their respective business plan.

(b) Constitution of Fact finding Team:

The Commission had constituted a Fact Finding Team after it conducted ARR and Tariff Hearing for SOUTHCO for 2013-14 at Koraput. The Team visited the places starting from Tentulikhunti till the tail end and prepared report with immediate short/mid-term /long term recommendations. Thereafter, the Commission has been continuously monitoring the compliances and directing OPTCL and SOUTHCO for taking various measures and furnishing compliance thereto. The Chairperson, OERC has also written a D.O. letter to the Development Commissioner-cum- Addl. Chief Secretary, Planning & Coordination Department, GoO for consideration of a special grant from RLTAAP or any other source to be available to SOUTHCO to take up the work. In the meantime, OPTCL and SOUTHCO has taken some actions commensurate with the requirement of the report of the Fact Finding Team. OPTCL and SOUTHCO are also taking actions to comply the long term recommendations of the team. As reported, both the licensees are fully geared to extend the benefit to the downstream consumers with proper quality supply.

(c) Notification for appointment of an Adjudicating Officer under Section 27 of the Energy Conservation Act, 2001.

For promoting efficient use of energy and its conservation, Govt. of India has framed the Energy Conservation Act, 2001. Section 14 and 15 of the Act details the power of the central and state Govt. respectively to enforce efficient use of energy and its conservation. As per the provision in Section 26 which deals with penalty to be imposed on any person on failure to comply with provisions of Section 14 and 15. There is also a provision of adjudication under Section 27 against Section 26. As per Section 27, Member (Technical), Odisha Electricity Regulatory Commission has been appointed as the Adjudicating Officer for the purpose of adjudicating under Section 26 of the above Act.

(d) Publication of System Performance during FY 2012-13 of OPTCL

The annual system performance of OPTCL for the year 2012-13 was submitted by OPTCL on 25.07.2012 and subsequently the supporting data. The consolidated statement

of system performance was examined and approved along with the observations by OERC on 27.09.2013 for publication.

The summary findings of Transmission and Bulk Supply Performance as submitted by OPTCL are as below:

- i) The annual peak demand of OPTCL was 3580 MW during 2012-13 as compared to 3511 MW during 2011-12.
 - ii) GRIDCO had drawn 16310.39 MU from the State sector and 7605.497 MU from the Central sector and 185.794 MU as net banking and IEX power import during 2012-13, whereas it had drawn 15280.45 MU, 7453.907 MU and 186.906 MU respectively from the State, Central sector and banking power during 2011-12.
 - iii) During this period, OPTCL made addition of 99.663 Ckt km of 220 kV lines. As on 01.04.2013, OPTCL is having total 518.234 ckt. km of 400 KV lines, 5585.988 ckt. km of 220 KV lines and 5281.856 ckt km of 132 KV lines. There was capacity addition of 1 nos. of 132/33 KV S/S and 1 nos. of 132 kV LILO S/S of industries during the said period.
 - iv) During 2011-12, 22.5 hours of load restriction was clamped on rotation basis to curtail demand due to non-availability of generation/failure of generating stations and no restriction was clamped due to non-availability of transmission capacity. Also, there was no rescheduling of generation on account of non-availability of transmission capacity.
- (e) **Other important tasks carried out by the Engineering Division during 2013-14 include:**
- i. Annual System Performance of OPTCL.
 - ii. Long Term Demand Forecast and Transmission Plan for the State of Odisha.
 - iii. Finalization of Intra Sate Transmission plan.
 - iv. Amendment/Up-dating of Odisha Grid Code, after analyzing the proposal either by Grid Co-ordination Committee or by the orders of the Commission after following the due procedure.
 - v. Periodic amendment of OERC (Conditions of Supply) Code, 2004/ Standard of Performance Regulation.
 - vi. Monitoring the implementation of the recommendations made by the Working Group constituted for "Technical Loss Reduction".
 - vii. Analysis of Electrical Accidents and issue of specific guidelines on receipt of Consumer Complaints in order to improve power supply situation in various Licensee's area.
 - viii. Review of electrical accidents and issues regarding inspection of electrical installations for safety in electric supply in the backdrop of notification of Regulations by the Central Electricity Authority (CEA) in this regard and consequent issues of advice to the government of Odisha.
 - ix. CEA, CERC, FOR, Assembly Questions, Parliament Questions, Press Releases on technical issues.
 - x. General Consumer Complaints.
 - xi. Monitoring of License Fees.
 - xii. Technical visit to licensee area, S/S and Electrical Installation.
 - xiii. Energy Conservation and DSM.
 - xiv. Renewable Energy Certificate Mechanism
 - xv. Investment approval of the licensees.
 - xvi. Approval, review & implementation of Distribution (Planning & Operation) Code.
 - xvii. Cost Data for OPTCL and DISCOMs.
 - xviii. Investigation into power supply problems in different areas of the DISCOMs.

52. Major Activities of IT Section (FY 2013-14)

Procurement of IT Equipments and Services

- (a) Three computers of Lenovo make with Intel core i3-2100, 2 GB RAM, 320 GB HDD & TFT monitor with pre-loaded Windows 7 Professional were procured for Rs.1.03 lac.
- (b) One Laser Printer (HP Laserjet Pro 400 Series) was procured for Rs.30,500 and was installed in room no. 202.
- (c) The existing single-user Tally software (ERP 9) was upgraded to its multi-user model for a consideration of Rs.38,000/-.
- (d) Quick Heal Total Internet Security software (40 Users) were purchased for Rs.24,450/- and were installed in the existing computers.
- (e) The contract for Leasing of 100 GB web space and hosting existing portal of OERC (www.orierc.org) along with mission-critical applications on Oracle was renewed for a period of one year with the existing terms and conditions including the same financial provision of Rs.1,98,540/- (inclusive of all charges and taxes).

Advising Commission & Utilities on IT Projects

IT section advised the Commission and also, the utilities in the matters of information and communication technologies especially in Smart Grid and Enterprise Resource Planning (ERP).

Acquisition of Roof Top Solar Data

The data from the Roof Top Solar station (10 KW) at OERC office was collected every day. The data is used to verify the generation, export / import and detect any anomaly in the system.

Maintaining Monthly Data of Discoms (Financial & Technical) in Oracle

The month wise data received from each Discom was maintained in the Oracle Database for security and retrieval as and when required by the Commission. These data relate to important financial, commercial and technical requirements reflecting number of consumers, billing, purchase, loss, arrear, metering of feeders, DTRs, interruption and length of new conductors added etc.

Analysis of Energy Audit and Dump Data of Discoms

It provided MIS reports on poor bill distribution/EC collection and high distribution loss of DISCOMs. The analysis of dump data especially the tampering events over a period of time pointed to a pattern of malpractices by some high-value consumers warranting action by the concerned discom.

Entry/Updation/Maintenance of Data in Case Tracking System

IT section made the entry / updation of details related to the cases including the orders on regular basis. The uploading of the data maintained in the local server was effected every day to our website making the data about the cases available to the public. MIS reports for pending cases, final cases and cases whose hearing are concluded and order reserved were provided to RA (Regulatory Affairs) division for taking necessary action at their end.

Maintenance of Database, Hardware and Software

- a) Maintenance of Database entailed the following activities
 - Cesu Billing System data transfer from DBF to text
 - Converting Data to Oracle format
 - Exporting data from Local Server
 - Importing & configuring Data in Web Server
 - Regular backup of
 - CBIS (Cesu Billing Information System)
 - RIMS (Regulatory Information Management System)
 - Savior System (Attendance Recording System)
 - CTS (Case Tracking System)
- b) Hardware Maintenance involved the following activities

- Solving Computer Booting/Shutdown/Hang problems
- Resolving Network problems
- Fixing of Printer and Monitor related problems
- Maintenance of Oracle Server, Internet Server, Switch, HUB, Modem, Mail Server etc.

c) Software Maintenance entailed the following activities

- Installation of software including Operating System and Application Software
- Up gradation of software including anti-virus

Managing OERC Pension Fund Trusts

The Group Superannuation Cash Accumulation (GSCA) Plan and Group Leave Encashment Scheme (GLES) of the LIC of India have been adopted by OERC for its employees. As per the actuarial estimation made by LIC towards superannuation of employees of OERC, a sum of Rs.19.26 lac was transferred to GSCA fund of LIC on 14-08-2013. Again, Rs.22 lakh was deposited in GSCA fund of LIC on 19-03-2014 to include 8 new members in the existing scheme. This increased the total number of members under the GSCA scheme from 25 to 33. The balance of that fund at the end of the FY 2013-14 stood at Rs.5.33 crore. Moreover, the GLES fund, at the end of FY 2013-14, had a balance of Rs.76 lac.

REGULATORY AFFAIRS DIVISION

53. The Regulatory Affairs Division was created with re-designation of vacant post of Director (Law) as Director (Regulatory Affairs) by the State Govt. The Director (Regulatory Affairs) joined in the Division on 04.04.2012. The function of the Division is multi-disciplinary in nature which involves Legal, Engineering and Finance discipline etc. The Regulatory Affairs Division deals with all legal matters pertaining to the functions of the Commission. It also scrutinizes applications / replies/objections filed before the Commission, rendering necessary legal advice on various matters. The Division engages Advocates for representing the Commission in various Courts, Fora and Tribunals including liaisoning with legal counsels. Drafting and vetting of Regulations, Tariff Orders, practice directions, notifications; maintaining relevant legal information, participating in Commission's proceedings are the prime functions of this Division.

54. Case matters before the High Court/Supreme Court/ATE (During FY 2013-14)

During the year 2013-14 the Commission had received notices in 22 no .of cases from the Hon'ble High Court of Orissa. The Commission also received notices in 13 no. of appeals from the Appellate Tribunal for Electricity (ATE), New Delhi and received notices in 9 no. of Civil Appeals from the Hon'ble Supreme Court of India, & also the Commission has preferred Civil Appeals in 7 nos. cases against the judgement of the Hon'ble ATE before the Hon'ble Supreme Court of India.

The Commission had engaged Shri Rutwik Panda, Advocate- on- Record and Shri P. Ramesh Bhatt, Sr. Advocate, Shri K.K.Venugopal, Sr. Advocate, and Sri Prasanto Sen, Advocate and Shri G.Umapathy, Sr. Advocate in Supreme Court of India/ Appellate Tribunal for Electricity, New Delhi as its Legal Counsels.

55. Status Regulations Framed under Electricity Act, 2003 by OERC

Consequent upon implementation of the Electricity Act, 2003, the Odisha Electricity Regulatory Commission has framed a number of Regulations which are shown in the Table below:

SI No.	Name of the Regulations	Odisha Notification Date	Published in Orissa Gazette No. and Date
1.	OERC (Conditions of Supply) Code, 2004.	21 st May, 2004	28 th May, 2004
2.	OERC (Licensees Standards of Performance) Regulations, 2004.	21 st May, 2004	28 th May, 2004
3.	OERC (Grievances Redressal Forum and Ombudsman) Regulations, 2004.	5 th April, 2004	17 th May, 2004
4.	OERC (Terms and Conditions for Determination of Tariff) Regulations, 2004.	9 th June, 2004	10 th June, 2004
5.	OERC (Procedure for filing appeal before the Appellate Authority) Regulations, 2004.	21 st May, 2004	28 th May, 2004
6.	OERC (State Advisory Committee) Regulations, 2004.	21 st May, 2004	28 th May, 2004
7.	OERC (Conduct of Business) Regulations, 2004.	21 st May, 2004	28 th May, 2004
8.	OERC (Terms and Conditions for Open Access) Regulations, 2005.	6 th June, 2005	21 st June, 2005
9.	OERC (Determination of Open Access Charges) Regulations, 2006	6 th June, 2006	18 th July, 2006
10.	Odisha Grid Code Regulation, 2006	-	14 th June, 2006
11.	OERC (Intra-State ABT) Regulations, 2007	17 th Dec., 2007	14 th Feb., 2008

Sl No.	Name of the Regulations	Odisha Notification Date	Published in Orissa Gazette No. and Date
12.	OERC(Fees and Charges of State Load Despatch Centre and other related matters) Regulation, 2010	6 th June, 2010	18 th November, 2010
13.	OERC (Renewable and Co-generation Purchase Obligation and its Compliance) Regulation, 2010	30 th Sept., 2010	14 th Dec., 2010
14.	OERC (Demand Side Management) Regulation, 2011	20 th August, 2011	16 th Nov., 2011

The above Regulations are available in the commission's website –www.orierc.org.

56. **Amendment of Regulations**

- i. The Commission have framed draft OERC (Terms and Conditions for Determination of Wheeling Tariff and Retail Supply Tariff) Regulations, 2013 which was pre-published u/S. 181 (3) of the Electricity Act, 2003 vide Public Notice dated 07.11.2013. According to the public notice Commission has received objection/suggestions from the general public/stakeholders/licensees which are under consideration of the commission. After finalization of the above draft Regulation by the Commission, the same may be sent to the Govt. press for Gazette Notification.
- ii. The Commission have framed draft OERC (Terms and Conditions for Determination of Generation Tariff) Regulations, 2013 which was pre-published u/S. 181 (3) of the Electricity Act, 2003 vide Public Notice dated 26.09.2013 and also revised draft OERC (Terms and Conditions for Determination of Generation Tariff) Regulations, 2013 vide Public Notice dated 04.06.2014. According to the public notice Commission has received objection/suggestions from the general public/stakeholders/licensees which are under consideration of the commission. After finalization of the above draft Regulation by the Commission, the same may be sent to the Govt. press for notification.
- iii. The Commission have framed draft OERC (Terms and Conditions for Determination of Transmission Tariff) Regulations, 2014 which was pre-published u/S. 181 (3) of the Electricity Act, 2003 vide Public Notice dated 15.02.2014. According to the public notice Commission has received objection/suggestions from the general public/stakeholders/licensees which are under consideration of the Commission. After finalization of the above draft Regulation by the Commission, the same may be sent to the Govt. press for notification.

57. **Fees for filing of the petition or applications**

In exercise of power under S. 86(1)(g) of the Electricity Act , 2003 read with Regulation 10(5) of the OERC (Conduct of Business) Regulations, 2004 the Commission vide its Notification dated 31.08.2009 published in Orissa Gazette No. 1500 dtd. 07.10.2009 has prescribed the Schedule of Fees for filing of the petition or applications before the Commission.

58. **Proceedings before the Commission**

The Regulatory Affairs Division examined and scrutinized petitions/ replies/ objections filed before the Commission.

The Division advised and rendered legal opinion on matters referred to it by the Engineering, Tariff, Secretarial and Administrative Divisions.

There are 131 no. of Cases were registered and 80 no. of Cases were disposed of by the OERC during the period from 01.04.2013 to 31.03.2014.

Important Orders passed during 1st April, 2013 to 31st March, 2014.

Sl. No.	Case No. (No/Year)	Petitioner	Subject
1	54/2007	Project Development Consultants, F/6, BJB Nagar, Bhubaneswar	For execution of order dt.20.08.2005 passed by the Commission in Case No.14 of 2005
2	117/2009	C.M.D GRIDCO, Janpath, Bhubaneswar	For seeking approval of the Commission to PPA dated 28.09.06 and the Amendment PPA dt.20.08.2009 executed between M/s Sterlite Energy and GRIDCO
3	38/2009	WESCO, Burla, Sambalpur	Change of Tariff Structure
4	39/2009	WESCO, Burla, Sambalpur	Change of Tariff Structure
5	40/2009	WESCO, Burla, Sambalpur	Change of Tariff Structure
6	41/2009	WESCO, Burla, Sambalpu	Change of Tariff Structure
7	90/2009	WESTERN ORISSA COLD STORAGE ASSN., Cold Storage Complex, PO-Baraipali-768006, Dist-Sambalpur	Review of RST order dated 20.03.2009 for FY 2009-10 in Case No.66, 67, 68 & 69 of 2008.
8	91/2009	ACTION ISPAT & POWER (P) LTD., 32 HIG, BDA Colony, Jayadev Vihar, BBST-13	For adjudication of a dispute u/s 86(1)(f) of the Electricity Act, 2003
9	28/2010	GRIDCO,	U/S 86 of the EA-2003 read with S.21 of the OER Act, 1995 & other enabling provisions seeking approval of PPA
10	29/2010	GRIDCO,	For procurement of power from the proposed 50MW thermal power plant at Ghantikhal, Cuttack
11	31/2010	GRIDCO,	For approval of provisional tariff for procurement of power from the proposed 2,400MW Thermal power plant at Brundama
12	107/2010	ARATI STEELS LTD., Ghantikhal, Cuttack	For determination of final tariff in view of and Order dtd.04.05.2010 passed in Case No.28 & 29 of 2010
13	108/2010	Arati Steels Ltd., Ghantikhal, Cuttack	For review of order dtd.04.05.2010 passed in Case No.28 & 29 of 2010
14	46/2012	OPTCL,	An application for levy of GRID Support Charges (GSC) for the Captive Generating Plants running in parallel with the grid of the OPTCL
15	54/2012	Naba Bharat Ventures Ltd, (Formerly M/s.Nava Bharat Ferro Alloys Ltd)	U/s. 86 of the Electricity Act, 2003, Rules and Reg. made there under to quash Clause-2 (iii) of the Letter of Intent dated 10.02.2011 and 11.05.2011 of GRIDCO in respect of Sale of Power fixing Unscheduled Interchange Charges to meet Open Access Schedule.
16	56/2012	Sterlite Energy Ltd, 92, Marker Chamber-III, Nariman Point, Mumbai-400021	An Application for review of the order dated 04.04.2012 of the Commission passed in Case No. 117 of 2009, under Section. 94 (f) of the Electricity Act, 2003, read with Regulation 70 of the OERC (Conduct of Business) Regulations, 2004.
17	71/2012	Reliance Management DISCOMS, N-1/22, Nayapalli, Bhubaneswar	Application under Regulation 76 of OERC (Conduct of Business) Reg, 2004 relating to creation of Regulatory Assets for recovery of under provisioning towards Actuarial Valuation and bad & doubtful debt as on 31.03.1999 as per the settlement with GRIDCO and 3 DISCOMs
18	88/2012	New Laxmi Steel & Power Ltd., At. Saura Industrial Estate, Po. Saura, Dist. Khurda	An application under Section 142 of the Electricity Act, 2003 for non-implementation of the OERC Order dated 22.07.2006 passed in Case No. 36 of 2005 & also order dated 26.04.2011 of the Commission passed in Case Nos. 63/2006 & 03/2007 by the respondents.

Sl. No.	Case No. (No/Year)	Petitioner	Subject
19	89/2012	NESCO, Balasore	Application under Regulation 18 &19 of the OERC(terms & Conditions for open Access) Regulations,2005 for payment of cross-subsidy surcharge thereof by M/s. Jindal Steel & Power Ltd.
20	91/2012	Pgcil, R.O. : B-9, Qutab Institutional Area, Katwaria Sarai, New Delhi-16	An application under Section 14 & 15 of the Electricity Act, 2003 read with Section 26 of the OERC (Conduct of Business) Regulations, 2004 for grant of Distribution License for carrying out "Wires Business" only in the supply area of CESU.
21	92/2012	Nihar Ranjan Kar, At/Po. Gabasahi, Dist- Bhadra	Application under Sec. 142 of EA, 2003 for non-implementation of Order dated 25.08.2012 of the Appellate Authority-cum-Dy. Electrical Inspector (T&D), Jajpur Road passed in Case No. AAC No. 05 of 2012.
22	94/2012	Nishakar Muduli, At- Balipari,Po- Chatua, Via- Kujang,Dist- Jagatsinghpur	Application under Sections 142 and 146 of the Electricity Act, 2003 for non-implementation of order dated 02.02.2009 of the GRF, Paradeep passed in C.C.Case no.422 of 2008 and order dated 07.10.2009 of the Ombudsman-I passed in C.R.Case No. 35 of 2009
23	95/2012	Krupalu Rice Industries Pvt. Ltd, At/Po-Panikoili, Dist-Jajpur	U/s 142 & 146 of Electricity Act,2003
24	96/2012	Narayan Chandra Dhalsamanta, Pathapur-I LI Point,At- Charigharia P.O: Gayalbank, Dist - Cuttack	U/S 142 of Electricity Act,2003
25	112/2012	Bibhu Prasad Das, Odisha State Electricity Corp. Engineers	U/s 142 of Electricity Act, 2003
26	113/2012	OPTCL,	An application under condition 10 of its License Conditions for investment proposal to be taken up from the FY 2012-13 for construction of 220/33 kV, 220/132/33 kV and 132/33 kV S/S along with association transmission lines on availing loan assistance from suitable funding agency.
16	114/2012	Kalinga Bidyut Prasaran Private Ltd, 27,Shahid Nagar,Bhubaneswar	For grant of Transmission License for intra-state transmission
28	02/2013	OPTCL,	An application under condition 10 of License Conditions for Investment proposal to be taken up from the Fiscal year 2012-13 for construction of 220/132/33kV, 220/33kV & 132/33kV grid sub-stations along with associated transmission lines on availing loan assistance from suitable funding agency.
29	03/2013	OPTCL	An application under condition 10 of License Conditions for Investment proposal to be taken up from the FY2012-13 for construction of 400/220kV, 220/132/33kV,220/33kV& 132/33kV grid SS along with associated transmission lines on availing loan assistance from suitable funding agency.
30	05/2013	NESCO, Balasore	Approval of Business Plan for 3rd MYT Control Period starting from 2013-14 to 2017-18 in conformity with the provisions of OERC (terms and Conditions for Determination of Tariff) Reg., 2004 and as per direction of the Commission vide letter no. DIR (T)/394/2012/3277 dtd 17.05.2012
31	06/2013	SOUTHCO, Courtpeta, Berhampur	Application for approval of Business Plan for 3rd MYT Control Period starting from 2013-14 to 2017-18 in conformity with the provisions of OERC (terms and Conditions for Determination of Tariff) Reg, 2004 and as per direction of the Commission vide letter no. DIR

Sl. No.	Case No. (No/Year)	Petitioner	Subject
			(T)/394/2012/3277, dtd 17.05.2012.
32	07/2013	WESCO, Burla, Sambalpu	Approval of Business Plan for 3rd MYT Control Period starting from 2013-14 to 2017-18 in conformity with the provisions of OERC (terms and Conditions for Determination of Tariff) Regs, 2004 and as per direction of the Commission vide letter no. DIR (T)/394/2012/3277, dtd 17.05.2012
33	09/2013	OHPC,	Submission of review petition regarding approval to carry out renovation, modernization and up rating of 2X37.5 MW Units 5 & 6 of HHEP,Burla.
34	10/2013	GRIDCO,	An Application under Clause (1) of Sub-Sec. (h) of Sec(2) of OERC (RPO and its Compliance) Regulations, 2010 dated 30.09.2010 on behalf of the DISCOMs for the FY 2011-12.
35	15/2013	Krushna Chandra Sahoo, Bhagaban Sahoo,At/Po- Ghasipura,Dist- Keonjhar	U/s 142 & 146 of Electricity Act,2003
36	16/2013	Shalivahna Green Energy Ltd., 7th Floor, Minerva Complex, Secunderabad	For determination of tariff for Bio-mass Power Plants for the next Control Period starting from FY 2013-14 based on the order dated 14.09.2010 passed in Case No. 37/2008 for finalizing the policy on harnessing of power from Renewable sources of energy.
37	17/2013	CESU,	An Application under S.86(1)(f) of the Electricity Act, 2003 read with Section 11(2) of the Orissa Electricity Reform Act,1995
38	18/2013	CESU,	An Application under S.86(1)(f) of the Electricity Act, 2003 read with Section 11(2) of the Orissa Electricity Reform Act,1995.
39	19/2013	CESU,	An Application under S.86(1)(f) of the Electricity Act, 2003 read with Section 11(2) of the Orissa Electricity Reform Act,1995.
40	21/2013	NALCO,	An Application u/S. 86(1) (e) of the EA, 2003 read with Chapter-2 Regulation, 8,9 of the OERC (Conduct of Business) Regulations, 2004 for exemption/waiver of the RPO for FY 2011-12 and 2012-13.
41	22/2013	Msp Sponge Iron Ltd., At:Haladiaguna,Po: Goberdhan,Dist:Keonjhar	U/c 1.8 of OGC Regulation, 2006 for installation & commissioning of PLCC equipments.
42	23/2013	T.S Alloys Ltd., At: N-3/24 , Irc Village, Nayapalli, Bbsr-12	An Application to pass consequential orders keeping in view of the Judgment dated 21.12.2012 passed by the Hon'ble ATE in Appeal No.94 of 2011 & judgment dated 14.12.2012 passed in Appeal No.30 of 2012.
43	24/2013	SWARNAYOTHI AGRO EXPERT LTD, D No: A-20 2nd Floor, IA Housing Colony	An application U/s. 86(1) (f) of EA,2003 for resolution of dispute between the petitioner and GRIDCO regarding opening of Letter of Credit by entering into a separate agreement for financial assistant from REC.
44	25/2013	CESU,	An Application u/s.86(1)(b) read with S.62(4) of the Electricity Act,2003 for revision of Bulk Supply Price of GRIDCO vide Order dated 23.03.2012 passed in Case No. 91 of 2011 for the financial year 2012-13
45	28/2013	Jayashree Chemicals Ltd, Jayashree-761025,Dist-Ganjam	Application to consider fixing Special Tariff for FY 2013-14
46	31/2013	Reliance Management Discoms, N-1/22, Nayapalli, Bhubaneswar	An Application u/S. 86(1)(b) read with 86(1) (f) of the Electricity Act, 2003 for adjustment of surplus revenue of GRIDCO through reduction of Bulk Supply Price (BSP) of the Distribution Licensees for the FY 2012-13
47	32/2013	Bijaya Kumar Mohapatra, Qr No:E/286,Unit-8	U/s 142&146of Electricity Act, 2003
48	33/2013	GRIDCO,	Application under S.86 of the EA,2003 read with S.21

Sl. No.	Case No. (No/Year)	Petitioner	Subject
			of the OER Act,1995 and other enabling provisions for approval of PPAs executed between the petitioner and NTPC Ltd. for procurement of power from the 5MW Dadri Solar PV power station at Ghaziabad & 5MW Solar PV power station at Faridabad.
49	35/2013	Sonthalia Rice Mill, C/O-Saurav Agarwal, S-3/36,Sector-A,Zone-B	Application u/S. 142 of the EA, 2003 for non-implementation of Order dated 19.01.2013 of the OERC passed in Case no.75 of 2012 and order dated 07.09.2011 of the GRF, Bhubaneswar passed in C.C.Case No. 62/2011.
50	36/2013	GRIDCO,	An application seeking direction of the Commission to the Solar PV Developers under RPSSGP Scheme who have commissioned their Rooftop projects in the State with the benefit of Accelerated Depreciation presently not being availed in conformity with order dtd 09.07.2010 in Case No.105 of 2010.
51	37/2013	Kalinga Metallics Pvt. Ltd., At. Badapasi , Po- Gopalpur , Dist- Keonjhar	U/s 142 of the Electricity Act,2003
52	39/2013	Vendanta Aluminium Ltd., Jharsuguda, Orissa	Review of order dated 14.02.2012 in Case No. 28 of 2011 regarding resolution of the unresolved issued.
53	42/2013	Orissa Hydro Power Corpn., Janapath, Bhubaneswar	For review of order dated 20-03-2013 in case no 100 of 2012 by the commission.
54	44/2013	CESU,	Approval of Business Plan for 3rd MYT Control Period starting from 2013-14 to 2017-18 in conformity with the provisions of OERC (terms and Conditions for Determination of Tariff) Regs, 2004 and as per direction of the Commission vide letter no. DIR (T)/394/2012/3277, dtd 17.05.2012.
55	45/2013	Utkal Alumina International Limited,	For exemption from the provisions for installation of PLCC/SCADA
56	47/2013	Krushna Chandra Sahoo, Bhagaban Sahoo,At/Po- Ghasipura,Dist- Keonjhar	U/s 142 & 146 of Electricity Act, 2003
57	54/2013	Sterlite Energy Ltd, 92, Marker Chamber-Iii,Nariman Point, Mumbai-400021	For review of the order dt. 12.06.2013 in Case Nos. 117of 2009, 31 of 2010 and 56 of 2010
58	58/2013	Chandramani Moharana, At- Balibsta Po-Siaro Ps Gop Dist-Puri	U/s 142 of the Electricity Act-2003
59	62/2013	Orissa Hydro Power Corpn., Janapath, Bhubaneswar	For approval of R&M of 24 MW Units #3 of CHEP , Chiplim,a as per regulation 2009
60	67/2013	Orissa Hydro Power Corpn., Janapath, Bhubaneswar	For approval to carry out renovation ,modernisation and uprating of 2X37.5 MW unit #5 & 6
61	68/2013	Orissa Hydro Power Corpn., Janapath, Bhubaneswar	Approval to carry out renovation , modernisation of Uniy-1 to 6 Balimela Project
62	71/2013	Kalinga Bidyut Prasaran Private Ltd, 27,Shahid Nagar,Bhubaneswar	For review of the order dtd. 25.09.2013 of the commission passed in Case No. 114/2012
63	74/2013	Ujaas Energy Ltd, Regd. Office - At.211/01, Opp. Sector-C,Metalman Industrial Area,	An Application under S.86(1)(e) of EA, 2003 read with Regulations 7(1),(2) & (9) of the OERC (RPO and its Compliance) Regulations, 2010 for non-compliance of RPO by the obligated entities for FY 2011-12 to 2012-13.
64	78/2013	Jagannath Foods & Aqua Pvt Ltd, 98, Kharvel Nagar, Bhubaneswar	For establishment of wind energy projects and execution of PPA
65	79/2013	INTECH KESHARI SOLAR ENERGY PVT LTD, 98 , Kharvel Nagar Bhubaneswar	For establishment of wind energy project and execution of PPA
66	80/2013	Director (Tariff), Odisha	Suo-motu proceeding for finalization of generic tariff

Sl. No.	Case No. (No/Year)	Petitioner	Subject
		Electricity Regulatory Commission	of Renewable Energy Sources including Co-generation for the second control period 2013-14 to 2017-18.
67	81/2013	Orissa Hydro Power Corpn., Janapath, Bhubaneswar	Annual Revenue Requirement and Tariff for the FY 2014-15 (OHPC).
68	82/2013	Sr Gm Slde, Mancheswar, Bhubaneswar	Annual Fee and Operating Charges for State Load Despatch Centre (SLDC) for FY 2014-15
69	83/2013	Optcl,	Annual Revenue Requirement and determination of Transmission Tariff for the year 2014-15 (OPTCL)
70	84/2013	GRIDCO,	Annual Revenue Requirement and Tariff for the FY 2014-15 (GRIDCO).
71	85/2013	CESU,	Annual Revenue Requirement and Retail Supply Tariff for the FY 2014-15.(CESU)
72	86/2013	WESCO	Annual Revenue Requirement and Retail Supply Tariff for the FY 2014-15.(WESCO)
73	87/2013	NESCO	Annual Revenue Requirement and Retail Supply Tariff for the FY 2014-15.(NESCO)
74	88/2013	SOUTHCO	Annual Revenue Requirement and Retail Supply Tariff for the FY 2014-15.(SOUTHCO)
75	93/2013	SHALIVAHAN GREEN ENERGY LTD, 7th Floor Minerva Complex 94 SD Road	Application u/s 86(1)(e)&(f) of Electricity Act, 2003
76	97/2013	Tapas Kumar Bhanja, Kamarda, Po. Bhograi	U/s 142 of Electricity Act, 2003
77	05/2014	Jagyan Balk Mohanty, At:-Mill Campus (Brahmanisahi), P.O- Soro	An Application under S.142 of the Electricity Act, 2003 for non-implementation of order dated 05.10.2013 of the Ombudsman-II, Bhubaneswar passed in C.R. Case No.54 of 2013
78	07/2014	Santi Sudha Sahoo, C/O-Hrudananda Sahoo,Plot No: 1261/1,	An Application under S.142 of the Electricity Act, 2003 for non-implementation of order dated 29.11.2013 of the GRF, CESU,Cuttack passed in C.C. Case No.493 of 2013
79	11/2014	Manaranjan Mohapatra, At: Kuldiha, P.O: Jharpokharia	U/s 142 of Electricity Act, 2003
80	22/2014	Maa Jatiani Fly Ash Bricks, C/O. Smt. Nirmala Devi Agarwal, Ranipur	U/s 142 of Electricity Act, 2003

59. Consumer Counsel

The Commission had engaged World Institute for Sustainable Energy (WISE), Pune as consumer counsel for analysis tariff applications of licensees for FY 2013-14. The said consumer counsel submitted its reports & presented its views during the tariff hearing of the Commission. The Commission has also engaged 9 NGOs/persons as consumer counsel to collect necessary feedback on consumer services from WESCO, NESCO, SOUTHCO & CESU areas and participate in the tariff hearing. Out of which five consumer counsels had submitted their reports and participated in the tariff hearing of the Commission.

60. Drafting and legal vetting

The Division drafted and also made legal vetting of public notices, show cause notices, circulars etc. and assisted the Engineering Division in amendment of Regulations.

61. Legal Information

The Division subscribed to law journals/reports/Collected CDs such as ILR Cuttack publication, CLT, Supreme Court Cases and Energy Law Reports to update information on latest judicial precedents / legislative developments. It gathered relevant information

on Acts, Rules, Regulations and Orders on legal and regulatory matters relating to electricity. Relevant Orders of High Courts, Supreme Court, Central Electricity Regulatory Commission (CERC), Appellate Tribunal for Electricity (ATE), Rules and Notifications of Govt. of Orissa/ Govt. of India.

62. According to Rule 11 of the Electricity Rules, 2005, formulated by the Central Govt. the jurisdictions of the courts other than the Special Courts shall not be barred under subsection(1) of Section 154 till such time the Special Court is constituted under subsection(1) of section 153 of the Act. Creation of additional number of courts is essential to meet the growing number of litigations so that natural justice is available at large to a variety of consumer class. Details of Eergy Police Stations and Special Courts are furnished in Annexure.

63. **Abatement**

Under Section 150 of the Electricity Act, 2003 whoever abates an offence under the said Act shall be punished as provided for the offence.

If any officer of employees of the licensee or electrical contractor abates the offence he shall be punished with imprisonment for the terms which may be extended three years, or with fine, or with both.

64. **BAR OF CIVIL COURT**

According to Section 145 of the Electricity Act, 2003, no Civil Court have jurisdiction to entertain any suit or proceeding of grant injunction in respect of any matter empowered to an Assessing officer, Appellate Authority, Adjudicating officer.

65. **Important Judgments**

Following are the some of the important judgments on electricity matter pronounced by the Hon'ble Supreme Court and various High Courts & the Hon'ble ATE.

- (i) Deciding the jurisdiction of the High Court to entertain the Writ Petition against the Tariff Order passed by the Odisha Electricity Regulatory Commission in Case Nos. 140, 142, 145 and 146 of 2009, the Hon'ble High Court has directed the OERC to take effective steps for implementation and compliance of its own Orders by giving a time-frame to the respective parties, because, mere passing of orders will have no meaning if it remains unimplemented. The OERC should take effective steps, even penal action against the violators for non-compliance of its orders without showing any sympathy to them. The OERC should also take steps to direct the DISCOMs to up-grade the new distribution transformers on priority basis, complete the audit of each distribution system and also ensure that investment of funds by DISCOMs for development and improvement of the existing system of generation and transmission.

“At the stage, we are not inclined to accede to the prayer made by the petitioner for an investigation by CBI into the loss of public money because we hope and trust that the effort of the OERC and the State Govt. will certainly make a substantial change in the system.

The writ petition is accordingly disposed of. There shall be no order as to cost.”

(Judgment delivered on 30.03.2012 by the Hon'ble High Court of Orissa in W.P.(C) No. 8409 of 2011 in the case of Keonjhar Navanirmana Parisad & Others Vrs. State of Odisha and others).

- (ii) Deciding the jurisdiction of the High Court to entertain the Writ Petition against the tariff order passed by the Orissa Electricity Regulatory Commission, the Hon'ble High Court has held that, as would be evident from section 111 of the Electricity Act, the person aggrieved by the tariff order can prefer an appeal before the appellate authority. Perusal of Section 111 of the Electricity Act, 2003 reveals that, the appellate authority can delve into both facts and law. The jurisdiction of this Court while exercising power under Article 226 and 227 is rather circumscribed in as much as it can neither sit in appeal against the order passed by the OERC nor it can decide disputed question of fact efficaciously.

(Judgment delivered on 31.3.2009 by the Hon'ble High Court of Orissa in W.P.(C) No. 15105 of 2007 in the case of Visa Steel Vrs. State of Orissa and others) AIR 2009(NOC) 2091 (Orissa).

- (iii) **Provisional Assessment**

Applying these principles to the facts of the present case, it is obvious that no statutory appeal lay against a provisional order of the assessment and the respondents were required to file objections as contemplated u/S. 126 (3) of the Electricity Act, 2003. It was only when a final order of assessment was passed

that the respondents could prefer a statutory appeal which admittedly was not done in the case in hand. The High Court did not fall in error of jurisdiction in entertaining the writ petition but certainly failed to finally exercise the jurisdiction within the prescribed limitations of law for exercise of such jurisdiction. Keeping in view the functions and expertise of the specialized body constituted under the Act including the Assessing Officer, it would have been proper exercise of jurisdiction, if the High Court, upon entertaining and deciding the writ petition on a jurisdictional issue, would have remanded the matter to the Competent Authority for its adjudication on merits and in accordance with law: ***Civil Appeal No. 8859 of 2011 (Executive Engineer & Another Vrs. Sitaram Rice Mill)***

In Civil Appeal No. 8859 of 2011 arising out of SLP (C) No. 36166/2010 (Executive Engineer & Another Vrs. Sitaram Rice Mill), the Hon'ble APEX Court in its conclusions observed as follows:-

- “ 1. Where ever the consumer committees the breach of the terms of the agreements, regulations and the provisions of the act by consuming electricity in excess of the sanctioned and connected load, such consumer would be in blame and under liability within the ambit and scope of Section 126 of the 2003 Act.
2. The expression un-authorized use of electricity means as appearing in Sec. 126 of the act is an expression of wider connotation and has to be construed purposively in contrast to contextual interpretation while keeping in mind the object and purpose of the act. The cases of excess load consumption than the connected load inter alia would fall under Explanation (b) (iv) to the Section 126 of the Act, besides it being in violation of Regulations, 82 & 106 of the Regulations and terms of the Agreement.
3. In view of the language of Section 127 of the Act, 2003, only a final order of assessment passed under Section 126 (3) is an order appealable under Section 127 and a notice-cum-provisional assessment made under Section 126 (2) is not appealable.
4. Thus, the High Court should normally decline to interfere in a final order of assessment passed by the assessing officer in terms of Section 126 (3) of the 2003 Act in exercise of its jurisdiction under Article 226 of the Constitution of India.
5. The High Court did not commit any error of jurisdiction in entertaining the writ petition against the order raising a jurisdictional challenge to the notice/provisional assessment order dated 25.07.2009. However, the High Court transgressed its jurisdictional imitational while traveling into the exclusive domain of the Assessing Officer relating to passing of an order of assessment and determining factual controversy of the case.
6. The High Court having dealt with the jurisdictional issue, the appropriate course of action would have been to remand the matter to the Assessing Authority by directing the consumer to file his objections, if any, as contemplated under Section 126 (3) and require the Authority to pass a final order of assessment as contemplated under Section 126 (5) of the 2003 Act in accordance with law. “

For the reasons afore-recorded, the judgment of the High Court is set aside and the matter is remanded to the Assessing Officer to pass a final order of assessment expeditiously, after providing opportunity to the respondent herein to file objections, if any, to the provisional assessment order, as contemplated under Section 126 (3) of the 2003 Act.

“ The National Commission though held that the intention of the Parliament is not to bar the jurisdiction of the Consumer Forum under the Consumer Protection Act and have saved the provisions of the Consumer Protection Act, failed to notice that by virtue of Section 3 of the Consumer Protection Act, 1986 or Sections 173,174 and 175 of the Electricity Act, 2003, the Consumer Forum cannot derive power to adjudicate a dispute in relation to assessment made under Section 126 or offences under Sections 135 to 140 of the Electricity Act, as the acts of indulging in "unauthorized use of electricity" as defined under Section 126 or committing offence under Sections 135 to 140 do not fall within the meaning of "complaint" as defined under Section 2(1)(c) of the Consumer Protection Act, 1986.

- (iv). The Hon'ble Apex Court in Civil Appeal No.5466 of 2012 arising out of SLP (C) No. 35906 of 2011(U.P.Power Corporation Ltd.& Ors Vrs. Anis Ahmed) case has observed as follows:-

- “ 46. *The acts of indulgence in "unauthorized use of electricity" by a person, as defined in clause (b) of the Explanation below Section 126 of the Electricity Act,2003 neither has any relationship with "unfair trade practice" or "restrictive trade practice" or "deficiency in service" nor does it amounts to hazardous services by the licensee. Such acts of “unauthorized use of electricity” have nothing to do with charging price in excess of the price. Therefore, acts of person in indulging in 'unauthorized use of electricity', do not fall within the meaning of "complaint", as we have noticed above and, therefore, the "complaint" against assessment under Section 126 is not maintainable before the Consumer Forum. The Commission has already noticed that the offences referred to in Sections 135 to 140 can be tried only by a Special Court constituted under Section 153 of the Electricity Act, 2003. In that view of the matter also the complaint against any action taken under Sections 135 to 140 of the Electricity Act, 2003 is not maintainable before the Consumer Forum.*
47. *In view of the observation made above, we hold that: (i) In case of inconsistency between the Electricity Act, 2003 and the Consumer Protection Act, 1986, the provisions of Consumer Protection Act will prevail, but ipso facto it will not vest the Consumer Forum with the power to redress any dispute with regard to the matters which do not come within the meaning of “service” as defined under Section 2(1)(o) or “complaint” as defined under Section 2(1)(c) of the Consumer Protection Act, 1986. (ii) A “complaint” against the assessment made by assessing officer under Section 126 or against the offences committed under Sections 135 to 140 of the Electricity Act, 2003 is not maintainable before a Consumer Forum. (iii) The Electricity Act, 2003 and the Consumer Protection Act, 1986 runs parallel for giving redressal to any person, who falls within the meaning of "consumer" under Section 2(1)(d) of the Consumer Protection Act, 1986 or the Central Government or the State Government or association of consumers but it is limited to the dispute relating to "unfair trade practice" or a "restrictive trade practice adopted by the service provider"; or “if the consumer*

suffers from deficiency in service”; or “hazardous service”; or “the service provider has charged a price in excess of the price fixed by or under any law”.

48. For the reasons as mentioned above, we have no hesitation in setting aside the orders passed by the National Commission. They are accordingly set aside. All the appeals filed by the service provider licensee are allowed, however, no order as to costs.”

- (v). Where the provisional assessment order not disclosing as to how quantum of electricity used unauthorizedly had been arrived , consumers were also not appraised that they were entitled to file objection against provisional order. In such case non-filing of no objections cannot be ground to treat provisional order as final order. The said provisional order is liable to be quashed being violative of natural justice. **AIR 2010 Raj 86 (A).**
- (vi). Merely because final report exonerating consumer from charge of theft of electricity filed in criminal proceedings was accepted by Judicial magistrate would not mean that the consumer was not involved in power theft. It will not absolve consumer from civil liability of payment of dues under the Act. **AIR 2003 SC 1354 Rel.on AIR 2010 All 115(DB).**
- (vii). During pendency of an Appeal U/S.127 of the Electricity Act,2003 ,proceedings initiated by the licensee for recovery of theft assessment is not proper and the licensee is to be restrained to recover the penal amount till appeal was disposed of by the Appellate Authority. **AIR 2010 (NOC) (Supp) 667(All) (DB).**
- (viii). **Duty to supply on request**

Section 43 of the Electricity Act,2003 – advertisement by Official Liquidator inviting tenders for outright sale of movable and immovable assets/ properties of Company “as is where is” basis- the Respondent No.1 found to be the highest bidder, as such sold with and handed over possession – apply for new electricity connection- deposited security amount by executing agreement- asked by the licensee to pay electricity dues outstanding against the erstwhile Company- issue to be decided of a Company under liquidation through court auction is liable to pay the arrears of electricity dues outstanding against the erstwhile company- upholding the single Judge’s order of the said Hon’ble High Court of Odisha held that the new purchaser who purchases the property in question through court auction is not liable to discharge any liabilities including the arrears of electricity charges pertaining to pre-liquidation period of the erstwhile company.

Accordingly, Regulation 13(10) (b) of the OERC (Conditions of Supply) Code, 2004 – held, not applicable to a case where fresh connection is applied for.

As per S.55 (1) (g) of the Transfer of Property Act, 1882, the seller’s (previous owner) responsibility to clear up all public charges up to the date of sale. S.55(1) (g) of the said Act says the seller is bound to pay all public charges due in respect of the property up to the date of sale, when a property is sold in auction . S.55 of the said Act refers to a contract only. Unless there is a contract to the contrary, the rights and obligations of the parties to a sale would be as indicated in S.55. Such a contract to the contrary must be express and not implied, as a result whereof the meaning of the term encumbrance would be expanded. **(2009)148 Company Case 641(SC).**

In this context the Hon’ble High court of Odisha when passing the above order in W.A.237 of 2010 arising out of W.P.(C) No.9807 of 2010, has

followed the observation of the Hon'ble Apex Court in case of Paschimancal Vidyut Vitran Nigam Ltd &ors Vs.M/s.DVS Steel & Alloys Pvt.Ltd & ors.AIR 2009 SC 647:-

“ 9...A transferee of the premises or a subsequent occupant of a premises with whom the supplier has no privity of contract can not obviously be asked to pay the dues of his predecessor on title or possession, as the amount payable towards supply of electricity does not constitute a (charge) on the premises. A purchaser of a premises, can not be foisted with the electricity dues of any previous occupant, merely because he happens to be the current owner of the premises. The supplier can therefore neither file a suit nor initiate revenue recovery proceedings against a purchaser of a premises for the outstanding electricity dues of the vender of the premises, in the absence of any contract to the contrary”.

A statutory authority can not demand payment of arrears of the dues pertaining to the pre-liquidation period from the purchaser, who had purchased the property through court auction and the dues had to be settled by the liquidator as per the provisions of Sections 529 , 529A and 530 of the Companies Act,1956, with the prior sanction of the court. The Official liquidator was to hand over the possession of the property in question without any charge or encumbrance of sales tax, liabilities and execute the sale deed accordingly. Law is also well settled that the purchaser of the properties of a company under liquidation is entitled to get a clear title free of charges, even if , there was attachment by a statutory authority.

However, it is open to the statutory body to take such steps as may be just and proper in consonance with law for realization of the arrears of electricity dues payable to it by the erstwhile owner.

- (ix). The State Commission in law can not usurp either the jurisdiction of the Grievance Redressal forum or the Ombudsman. In respect of the grievance of the consumers, the specific forum or redressal and representation to a higher authority are provided under S.42(5) and (6) of the Electricity act,2003 and the regulatory commission has no jurisdiction apart from the fact it is either the appointing authority or the authority conferred with the powers to frame regulations, and not even an appeal power has been conferred on the State Commission with respect to consumer grievance. ***2007 Aptel 356: Dakshin Harayan Bijli Vitran Nigam Ltd. Vs.DLF Service Ltd.***
- (x). The Regulatory Commission could exercise jurisdiction only when the subject matter of adjudication falls within its competence and the order that may be passed is within its authority and not otherwise on facts and in the law. All these statutory provisions conferring jurisdiction on the redressal forum, thereafter to approach the Ombudsman, it follows that the State Commission has no jurisdiction to decide the dispute raised by the consumers. ***2007 Aptel 764: Dakshin Harayan Bijli Vitran Nigam Ltd. Vs.Princeton Park Condominium.***
- (xi). The basic question is whether the individual consumer can approach the State Commission under the Act or not. By virtue of S.42(5), all the individual grievances of the consumers have to be raised before the Grievance Redressal Forum and the Ombudsman only. The Commission can not decide about the disputes between the licensees and the consumers. ***AIR 2008 SC 1042:MSED Vs. Lloyd Steel Industries Ltd.***

In penalty proceedings under S.142 of the Electricity Act,2003, issuance of Show-cause notice and necessity to follow the principles of natural justice is mandatory, which is specifically observed by the Hon'ble Apex Court. Unless the mandatory procedure of issuance of show-cause notice containing the specific allegations is followed in the penalty proceedings, it would tantamount to violation of principles of natural justice which will vitiate the entire proceedings.

67. Natural justice another name for commonsense justice. Natural justice is the administration of justice in commonsense liberal way. Justice is based on natural ideas and human values. Natural justice relieves legal justice from unnecessary technicality, grammatical pedantry or logical prevarication. The adherence to principles of natural justice is of supreme importance than quasi-judicial body embarks on determining dispute between the parties. The first and foremost principle is what is commonly known as ***audi alteram partem rule***. It says that no one should be condemned unheard. Notice is the first limb of this principle. It must be precise and unambiguous. It should appraise the party determinatively the case he has to meet. Time given for the purpose should be adequate so as to enable him to make his representation. In the absence of a notice of the kind and such reasonable opportunity, the order passed becomes wholly vitiated. Thus it is but essential that a party should be put on notice of the case before any adverse order is passed against him. This is one of the most important principles of natural justice. Justice should not only be done but should manifestly be seen to be done. ***AIR 2009 SC 2375: Uma Nath Pandey Vs. State of U.P.***
68. A show-cause notice is the foundation on which the Department has to build up its case. If the allegations in the show-cause notice are not specific and are on the contrary vague, lack of details and/or un-intelligible that is sufficient to hold that the notice was not given proper opportunity to meet the allegations indicated in the show-cause notice. **(Emphasis added),2007(5) SCC 388: Commissioner of Central Excise Vs. Brindavan Beverages (P) Ltd.**
69. An order imposing penalty for failure to carry out the statutory obligation is the result of a quasi-criminal proceeding and penalty will not ordinarily be imposed unless the party obliged has either acted deliberately in defiance of law or was guilty of contumacious or dishonest conduct or acted in conscious disregard of its obligation. **2004(2) SC 783: Karnataka Rare Earth and another Vs. Senior Geologist, Dept. of Mines & Geology and another.**
- (Judgment delivered on 31.3.2009 by the Hon'ble High Court of Orissa in W.P.(C) No. 15105 of 2007 in the case of Visa Steel Vrs. State of Orissa and others) AIR 2009(NOC) 2091 (Orissa).**
70. The Hon'ble High Court of Orissa vide its order dated 16.03.2010 in W.P (C) Nos. 6624, 6625 & 6626 of 2008 had directed OERC to fix the cost of supply at various voltage i.e., EHT, HT, LT and also to indicate the cost of Tariff for each category, the extent of cross-subsidy existing and plan action to reduce it over a period of time as envisaged in S.61(g) of the Electricity Act, 2003 and Regulation 7(c) (iii) of OERC (Terms and Conditions for Determination of Tariff) Regulations, 2004.
- (Judgment delivered on 16.3.2010 by the Hon'ble High Court of Orissa in W.P.(C) Nos. 6624,6625 & 6626 of 2008 in the case of M/s. Tata Steel Ltd.& others vrs. OERC & others.**
71. When a financial assessment is under process under S. 126 of the Electricity Act, 2003, the petitioner can avail alternative remedy and there is no justification to issue direction for restoration of power supply on deposit of reasonable percentage of amount of the

provisional bill- It is not maintainable under Writ jurisdiction. *M/s Synergy Pvt. Ltd. Vrs. Jharkhanda State Electricity Board*, (AIR 2009 (NOC) 975 Jharkhanda.)

72. Statutory Forums established under S. 42 of the Electricity Act, 2003, are the Competent Authority for redressal of consumer grievances. The consumer is obliged to first approach such Forums. The Board has to accept the order passed by such Forums without any discretion of the matter. *M/s Bikanear Plosto Flex Pvt. Ltd. Vrs. State of Bihar & other.*

AIR 2009(NOC) 1559 (Patna).

73. Opportunity should be given for filing of objection and personal hearing must be fulfilled before passing final assessment order under S.126 of the Electricity Act, 2003. Writ petition maintainable for non compliance of the above Statutory Provision. *Radhakrishna R Vrs. G.M, BESCO & others.*

AIR 2009 (NOC) 1558(Karnatak).

74. The person who have avail power supply by way of an “Independent Feeder” for getting uninterrupted power supply is to pay special price for the special service as per UP Electricity Supply Code. “Independent Feeder” means a feeder constructed at cost of the consumer at supplying electricity to only that consumer.
75. In a leading judgment the Constitution Bench of the Hon’ble Supreme Court on 15.03.2010 has held that the Appellate Tribunal for Electricity has no jurisdiction to examine the validity of Regulations framed by CERC – as these are in the nature of Sub-Ordinate Legislation. The validity of the Regulations may, however, be challenged by seeking judicial review under Article 226 of the Constitution of India.
76. Demand charge relates to a charge on the consumer for keeping reserve the energy to supply him to the extent of contractual demand of energy. A consumer is liable to pay the same if the energy is supplied to the consumer by the license whether he draws or utilizes the same or not as the aforesaid relationship of the consumer with the supply company arises out of a contract entered into between them having mutual obligations. *Indian Rare Earth Vrs. MD, SOUTHCO & Or. 109(2010 CLT-680.*
77. Tariff fixation. Procedure to be followed for determination of tariff. Regulatory Commission can alone do it

(2002) 8 Supreme Court Cases 715, AIR 2002 SC,3588

78. New connection. Application by wife. Earlier connection in the name of husband disconnected for non-payment of dues. Wife suppressing fact that earlier disconnection was in the name of her husband. Denial of new connection not illegal.

(AIR 2003 Patna, 10)

79. Electricity supply. Section 43 of the Electricity Act, 2003. Lawful occupier of premises, means “*actual occupier*” in settled possession. Person in settled possession of property be it trespasser, unauthorized, encroacher can apply for supply of electricity without consent of owner. He is entitled to get electricity and enjoy the same until he is evicted by due process of law.

(AIR 2011, Calcutta, page -64 (Full Bench)

80. Section 126 of the Electricity Act, 2003. The legislature has intended that the assessing officer must be a person who was actually member of the inspection team at the time of detecting the pilferage or unauthorized use of electricity so that, he can pass the order of assessment not on the basis of paper before him but after actually visiting the site at the time of detection of illegality.

(AIR 2007, Calcutta, page -298)

81. Section 126. Disconnection of electricity. Provisional assessment. Petitioner has to pay the whole of assessed amount for reconnection of supply. No order can be made directing reconnection on part payment of assessed amount.

(AIR 2011(NOC) 124 , Calcutta,)

82. Constitution of India, Art.226. Section 126, 127 of Electricity Act, 2003. Writ petition. Alternative remedy available to petitioner against final assessment order u/S 126 of the Act, 2003. No appeal filed by petitioner under section 127 of the Electricity Act, 2003. Petition filed for direction of reconnection of supply. Not maintainable.

(AIR 2011(NOC) 124 , Calcutta,)

83. Electricity Act 2003, Section 126. Constitution of India, Art.226. Restoration of electricity. Provisional assessment made by the assessing officer. Petitioner sought for restoration of electricity on payment of 50% of provisionally assessed amount. No provision of law provides for restoration on payment of 50% or part of the provisionally assessed amount. Whereas relevant regulations provide for restoration only on payment of whole assessed amount. Since amount is provisionally assessed as per relevant provisions, writ power cannot be exercised to direct restoration on payment of part only

(AIR 2011(NOC) 127, Calcutta,)

84. Electricity Act, 2003. Section 126(1) (b)(ii). Provisional assessment order. Unauthorized use of electricity. Over drawl of maximum demand does not come under definition of 'unauthorized use of electricity'. Provisional assessment order passed by the authority alleging "over drawl maximum demand" as ground of unauthorized use of electricity. It is without jurisdiction.

(AIR 2011, Orissa, 38)

85. Tariff. The term tariff not defined in the 2003 Act. The term tariff includes within its ambit not only the fixation of rates but also the rules and regulations relating to it. Under the 2003 Act, if one reads section 62 with section 64, it becomes clear that, although tariff fixation like price fixation is legislative in character, the same is made appellable vide section 111. These provisions namely section 61 and section 62 indicate the dual nature of functions performed by Regulatory Commission viz, decision making and specifying the terms and conditions of tariff determination

[(2010) 4 Supreme Court Cases 603]

86. Constitution of India. Art.226- Exhaustion of alternative remedy. Dispute relating to enforcement of right or obligation created under a statute. Specific remedy therefor provided in the statute. High Court may not deviate from general rule and interfere under Art.226, except a very strong case made out.

[(2004) 4 Supreme Court Cases 268]

87. Constitution of India. Art.226. Alternative remedy. Maintainability of writ petition. Validity of sales tax assessment questioned. Special and adequate remedy existing under the relevant statute containing self contained machinery. Writ not maintainable.

[(1983) 2 Supreme Court Cases 433]

88. Electricity. Judicial review of fixation of electricity tariff and providing cross-subsidy. Scope of High Courts power- Held that, High has only to be satisfied that proper procedure has been followed and it would not interfere unless the decision in question on the face of it is shown to be arbitrary, illegal and contrary to the Act.

[(2002) 3 Supreme Court Cases 711]

89. Jurisdiction of Consumer forums against assessment made under section 126 of the Electricity Act, 2003. Against assessment order passed under section 126 of the Electricity Act, a consumer has option either to appeal under section 127 of the Electricity Act or to approach the consumer forum by filing complaint. He has to select either of the remedy. However before entertaining the appeal, the Consumer For a would direct the consumer to deposit an amount equal to one third of the assessed amount with the licensee. [Similar to section 127(2) of the Electricity Act].

[2008 CTJ (CP) NCDRC]

(Jharakhanda Stae Electricity Board and another Vs. A alli)

N.B.:- After amendment of the Electricity Act 2003 in the year 2007, under section 127(2), it is now 50% of the assessed amount to be deposited by the consumer for preferring an appeal against the final assessment.

90. Interpretation of Statute- Duty of Court indicated. It is not the duty of the court either to enlarge the scope of the legislation or the intention of the legislature when the language of the provision is plain and unambiguous. The court cannot rewrite, recast, or reframe the legislation for the very good reason that, it has no power to legislate. The power to legislate has not been conferred on the courts. The court cannot add words to a statute or read word into it which are not there. Assuming there is a defect or an omission in the words used by the legislature, the court cannot go to its aid to correct or make up the deficiency. Courts shall decide what the law is and not what it should be.

[(1991) 3 SCR 873]

91. Section 14 of the Electricity Act, 2003. Supply of electricity. Erection of tower and laying over head lines. Licensee conferred with power under the Telegraph Act. Therefore consent of land owner before erecting tower not necessary. (**AIR 2007 Guj.32**)
92. Power of review. Principle indicated. The power of an Administrative Tribunal to review its decision under section 22(3) (f) of the Administrative Tribunal Act, 1985 can be summarized on the following points.
93. The power of the Tribunal to review its order/decision under section 22(3)(f) of the Act is akin/analogous to the power of a civil court under section 114 read with Order 47 Rule 1 of CPC.
94. The Tribunal can review its order on either of the grounds enumerated in Order 47 Rule 1 and not otherwise.
95. The expression any other sufficient reason appearing in Order 47 Rule 1 has to be interpreted in light of other specific grounds.
96. An error which is not self evident and which can be discovered by a long process of reasoning cannot be treated as an error apparent on the face of record justifying exercise of power u/S 22(3)(f).
97. An erroneous order / decision cannot be corrected in the guise of exercise of power for review.

98. A decision /order cannot be reviewed u/S 22(3) (f) on the basis of subsequent decision /judgment of a co-ordinate or larger bench of the Tribunal or of a superior court.
99. While considering an application for review , the tribunal must confine its adjudication with reference to materials which was available a the time of initial decision .The happenings od subsequent events or development cannot be taken note of, for declaring the initial order / decision as vitiated by an error apparent.
100. Mere discovery of new or important matter or evidence is not ground for review. The party seeking review has also to show that, such matter or evidence was not within its knowledge and even after the exercise of due diligence, the same could not be produced before the court/tribunal earlier.

[(2008) 8 Supreme Court Cases 612]

101. Review:- Under Order 47 Rule 1 of CPC a judgment may be open to review interalia if there is a mistake or an error apparent on the face of the record. An error which is not self evident and has to be detected by a process of reasoning , can hardly be said to be an error apparent on the face of record justifying the court to exercise its power to review Under Order 47 Rule 1 of CPC. In exercise of jurisdiction Under Order 47 Rule 1 of CPC, it is not permissible for an erroneous decision to be reheard and corrected. There is clear distinction between an “*erroneous decision* “and “*an error apparent on the face of record*”. While the first can be corrected by the higher forum, the latter only can be corrected by exercise of the review jurisdiction. A review petition has a limited purpose and cannot be allowed to be “ an appeal in disguise”

[(1997) 8 Supreme Court Cases 715].

102. It has been held by the Hon’ble Appellate Tribunal for Electricity that, in a proceeding, the State Commission instead of getting opinion from legal experts for clarification of the legal issue, may appoint a counsel to explain and enlighten the State Commission with regard to the legal positions on the basis of the authorities rendered by the Tribunal as well by the Supreme Court in the open forum in the presence of the necessary parties.

(Order dated 31.1.2011 of APTEL, New Delhi passed in Appeal No. 41.42,43 of 2010 between Polyplex Corporation Limited Vs. Utarakhanda Electricity Regulatory Commission and another.)

103. Electricity Act, 2003. Section 145. Section 154(5) of Electricity Act, 2003 casts an obligation upon the Special Court to determine the civil liability even if no prayer is for determination of such liability is made by either party.

(AIR 2010 Delhi 91)

104. Tariff revision retrospectively- Challenge to tariff order becomes infructuous as soon as the one year period of tariff expires.

[(2002) 3 Supreme Court Cases 711]

(xlvii) Application filed after 5 years for revision of tariff as per direction of the Appellate Tribunal for Electricity to revisit tariffs and absorb additional cost in new tariff is improper. Revision ought to be filed within period the tariff order was in force. **AIR 2009 SC(Supp)1931(B).**

(xlviii) Fixation of fuel surcharge rate for the licensees which involves arithmetical accounting does not need to give opportunity of hearing .**AIR 2009SC (Supp) 1442(A).**

105. Statutory Forums established under S. 42 of the Electricity Act, 2003, the Competent Authority for redressal of consumer grievances. The consumer is obliged to first

approach such Forums. The Board has to accept the order passed by such Forums without any discretion of the matter. *M/s Bikanear Plosto Flex Pvt. Ltd. Vrs.State of Bihar & others*,

AIR 2009(NOC) 1559 (Patna).

106. When a financial assessment is under process under S. 126 of the Electricity Act, 2003, the petitioner can avail alternative remedy and there is no justification to issue direction for restoration of power supply on deposit of reasonable percentage of amount of the provisional bill- is not maintainable under Writ jurisdiction. *M/s Synergy Pvt. Ltd. Vrs.Jharkhanda State Electricity Board*, **AIR 2009 (NOC) 975(Jharkhanda)**.
107. Opportunity should be given for filing of objection and personal hearing must be fulfilled before passing final assessment order under S.126 of the Electricity Act, 2003. Writ petition maintainable for non compliance of the above Statutory Provision. *Radhakrishna R Vrs. G.M, BESCO & others*, **AIR 2009 (NOC) 1558(Karnatak)**.
108. Theft of electricity/ provisional assessment – Imposition of punishment or fine or both on conviction for offence u/S.135 of the Electricity Act,2003 has nothing to do with civil liability i.e. levy of electricity charges payable by person using electricity unauthorisedly.**AIR 2010 Raj 86(B)**.
109. Procedure of Civil Court u/S.154(5) of the Electricity act,2003 regarding theft of electricity civil liability against the consumer in terms of money will not be ‘decree’ passed by the Court. But it is only by fiction of law that such liability would be recovered as if it were decree of Civil Court. **AIR 2010 Del 91(A)**.
110. Powers of Special Court u/S.154(5) of the Electricity Act,2003 regarding theft of energy- determination of civil liability against the consumer even if no prayer for determination of such liability is made by the either party is proper. **AIR 2010 Del 91(B)**.
111. Where meter given for domestic supply and the consumer used for commercial purpose then assessment made u/sS.126(6) of the Electricity Act,2003at the rate equal to twice tariff payable for commercial category is improper. Assessment should be made at the rate equal to twice tariff applicable to domestic tariff. **AIR 2010 Cal 84 (DB)**.
112. In a leading judgment the Constitution Bench of the Hon’ble Apex Court has held that “directions” in S.121 of the Electricity Act, 2003 do not confer power of judicial review in the Tribunal. It is not possible to lay down any exhaustive list of cases in which there is failure in performance of statutory functions by the Appropriate Commission. S.121 of the Act, of the Act, 2003 does not confer power of judicial review on the Appellate Tribunal. The words “orders”, “instructions” or “directions” in S.121 do not confer power of judicial review in the Appellate Tribunal for Electricity. The power of judicial review of the validity of Regulations made under the Electricity Act, 2003 is not conferred on the Appellate Tribunal for Electricity. **AIR 2010 SC 1338: PTC India Ltd. Vrs. CERC**.
113. In a leading judgment the Hon’ble High Court of Delhi had held that s.154 (5) of Electricity Act, 2003 casts an obligation upon the Special Court to determine the civil liability, even if no prayer for determination of such liability is made by either party. Therefore, even if no request had been made by the petitioner for determination of civil liability, the Special Court would still have to carry out the legislative mandate given to it u/s. 154(5) of the said Act. **AIR 2010 Del 91: BSES Rajdhani Power Ltd. Vrs. State, NCT of Delhi & another**.
114. The DISCOMs have to perform its statutory duty under S.42 of the Electricity Act, 2003 to supply electricity in the urban areas **AIR 2009MP 118:Smt.Siyabani Thakur Vrs.M.P:State Electricity Board & ors**.
115. **Alternative remedy-Dispute as to electricity bill:-**

So far as the bill raised against the consumer-petitioner is concerned, if there is any dispute in the bill, it is open to the consumer-petitioner to approach before the

GRF constituted u/s.42(5) of the Electricity Act, 2003. **AIR 2005 Ori 160: ARSS Stones Pvt. Ltd. Vrs. Chairman, GRIDCO & other.**

116. **Awarded by the Electricity Ombudsman:**

Whether the award of the Electricity Ombudsman may be challenged only u/s 34 of the Arbitration and Conciliation Act, 1996 as statutory arbitration. The Court has only drawn the analogy from S.34 of the Arbitration and Conciliation Act, 1996 a the principles to challenge the arbitral award should be limited to only such grounds as are available u/s 34 of the Arbitration and Conciliation Act, 1996. **AIR 2008 All.27: Purbachal Vidyut Vitran Nigam Ltd. Bhikarpur and another Vrs. Vidyut Lokpal (Electricity (Electricity Ombudsman)).**

Where the “Electricity Ombudsman” has succeeded in mediation and conciliation in persuading the consumer and the licensee to reach to a settlement, the proceedings would not be subject to challenge except on the ground of jurisdictional error committed by the Electricity Ombudsman or any fraud pleaded and proved on record. In an other case the award may be challenged as an arbitral award on the grounds available u/S. 34 of the Arbitration and Conciliation Act, 1996. The scope of interference with award is limited to the grounds, which may be taken u/S. 34 of the Arbitration and Conciliation Act, 1996.

- lv. Un-authorized use of electricity- regularization of –no provision for, in the Act or Regulations-no direction for, can be given by the Ombudsman: **AIR 2010 SC-2893 (A).**
- lvi. Supply of electricity-representation to be made for redressal of grievances by any consumer to the Ombudsman- petitioner has approached High Court under Article-226 of the Constitution of India without first approaching to the Ombudsman is not permissible: **AIR 2010 Cal. -189.**
- lvii. Jurisdiction of consumer redressal forum- ‘consumer’ whether include, commercial consumer – the Electricity Act, 2003 had not made any distinction between private and commercial consumer- any person who is supplied with electrical energy by Board is a consumer within meaning of Section. 42 (5) of the Act. Any dispute he had with Board in relation to supply of energy or charges or any service conditions in relation there to, dispute would lie to the Forum: **AIR 2010 (NOC) 1082 (Pat.)**
- lviii. **Recovery of dues:**

Additional security deposit can not be treated as “Dues” the Act does not indicate any process for recovery of additional security deposit- demand of additional security deposit is illegal: **AIR 2010 (NOC) (Supp) 665 (All.) (DB).**
- lix. Interest on consumer security and meter security deposits, the electricity Regulatory Commission determined that consumer was entitled to interest at Bank rate determined from time to time by R.B.I – Consumer Forum and Electricity Ombudsman had only deciphered what was Bank rate payable by RBI. It amount only to give effect to order and there was no attempt to reduce or increase rate of interest, which the Commission had determined: **AIR-2010-P&H-173 (A)**
- lx. Consumer dispute – on fare trade practice- none payment of interest on security deposits or payment at lesser rate than prescribed by Regulatory Commission – can be termed as consumer dispute- Electricity Ombudsman could deal with such

matter as non-payment of interest at rate prescribed by the Commission amounts to unfair practice: **AIR 2010-P&H-173 (B)**.

lxi. **Reduction in Contract Load**

Reduction in contract demand fresh agreement entered into between electricity supply company and consumer which was also a Sick Industrial Company declared as relief undertaking u/S. 3 (1) of the U.P. Act (1996) for such reduction- however, electricity supply company refused to reduce load on ground that security Bond executed by consumer did not secure total outstanding dues- such refusal was invalid; as it had effect of negating decision to revive consumer: **AIR-2010 SC 1946**.

lxii. Recovery of energy dues of erstwhile consumer- exception-purchaser of property of defaulter consumer through intervention of Govt. agency etc. is not required to pay earlier dues- such protection not available to private transactions – intention of legislature is to grant sanctity to official sale- official liquidator being also official; agency covered by M.P Electricity supply Code- sale conducted by it is protected: **AIR 2007 SC-2, AIR-2009 SC-647**.

lxiii. Death due to electrocution-Compensation- Allegation that victim received injuries when he came in contact with 33 Kv line electric wirewhile he was going to his paddy field- Plea by Board that as electric line in question had become defunct due to theft of electric wires claimant could not receive injury due to shock, not establishe-Mdical evidence clearly indicates that accident was electric shock-grant of compensation to the claimant is proper: **AIR 2010 (NOC) (supp)693(Ori) (A)**.

x. **Appeal to the Supreme Court- limitation:**

Rule 98(1) casts a duty upon the Court master to immediately after pronouncement of order transmit the same along with the case file to the Dy. Registrar and the said Dy. Registrar in terms of Rule 98(2) is required to scrutinize the file, satisfy himself that the provisions of rules have been complied with and thereafter send the case file to the Registry taking steps to prepare copies of the order and their communication to the parties. If Rule 98(2) is read in isolation, one may get an impression that the Registry of the Tribunal is duty bound to send the copies of the order to the parties and order will be deemed to have been communicated on the date of receipt thereof, but if the same is read in conjunction with S.125 of the Electricity Act,2003,which enables any aggrieved party to file an appeal within 60 days from the date of the date of communication of the order of the Tribunal, 94(2) which postulates notification of the date of pronouncement of the order.

Rule 94(2) requires that when the order is reserved, the date of pronouncement shall be notified in the cause list and that shall be a valid notice of pronouncement of the order.

If the title of the case and name of the counsel is reflected in the cause list, the same will be deemed as a notice regarding procurement of orders. Once the order is pronounced after being shown in the cause of list with the title of the case and name of the counsel, the same will be deemed to have been communicated to the parties and they can obtain copy of through e-mail or by filing an application for certified copy. **AIR 2010SC 2061: Chhatisgarh State Electricity Board Vrs. CERC and ors.**