

MANUAL No. - III

Guiding Principles & Decision-Making Process

Odisha Electricity Regulatory Commission (OERC) is a statutory body established under Orissa Electricity Reform Act, 1995 to discharge its statutory functions under the provision of the said Act. After the commencement of Electricity Act, 2003, (i.e. from 10th June 2003) OERC became a Commission under the provisions of the said Act. The Commission has been vested with the Quasi-judicial, Quasi-legislative & Administrative power by the Orissa Electricity Reform Act, 1995 and the Electricity Act, 2003.

The Commission maintains its autonomy, promotes accountability, encourages participation and fosters transparency.

Quasi-Judicial Powers

The Commission discharges its quasi-judicial powers under the provisions of the Act and its Conduct of Business Regulations. A proceeding can be initiated before the Commission by filing a petition or by suo-motu. The procedure for filing petition has been prescribed under chapter-II of its Conduct of Business Regulations, 2004. Commission issues notices, hears the parties and affected persons and passes necessary orders. According to Sec 94 of the Act, the Commission has been vested with the powers of a Civil Court.

The Commission is authorized to pass any interim order and may engage, authorize any person to represent the interest of the consumers in the proceedings before it. The parties to the proceedings or any person with due permission from the Commission, can inspect the records of proceedings by following the procedure and payment of necessary fees. Any person aggrieved by the orders of the Commission may file review petition before the Commission within 90 days of its order. Aggrieved person may file an appeal before the Appellate Tribunal for Electricity (New Delhi) against the order of the Commission.

Procedure for legislative function (Regulation making)

Under the provision of the Electricity Act, 2003, Commission is authorized to frame Regulations after complying the procedure laid down in said Act. Before giving the final shape to a Regulation, Commission deliberates on the matter, prepares a draft Regulation, publishes public notice in leading news papers and its website to invite suggestions from the general public on a particular Regulation.

Sometimes the Commission serves the copy of Regulations to the licensees, Govt. of Orissa for their comments. Commission considers all these suggestions and gives a final shape to the concerned Regulations. The said Regulations are to be published in the Orissa Gazette and are laid before the Orissa Legislative Assembly.

Administrative Functions

As a regulator, the Commission issues License & monitors the licensed activities of the Licensee. Under Sec. 142, the Commission has power to punish those persons who has violated the provisions of the Act, Rules & Regulations and the directions of the Commission. Before imposing any penalty on any persons, Commission gives an opportunity of hearing on the matter. In appropriate cases Commission passes interim order for securing compliance.

Consultative Process

On important matters like tariff setting, issue of license, approval of power purchase agreements (PPAs) etc the Commission consults the interested persons/objectors and considers their objections/suggestions on the matter. Commission takes the advise of the State Advisory Committee (SAC) on certain important issues.

Transparency

U/s 86(3) of the Electricity Act, 2003, it is the statutory duty of the Commission to maintain transparency while discharging its function.

Guiding Principles

While discharging function, the Commission is guided by National Electricity Policy, National Electricity Plan and tariff Policy published by the Govt. of India u/s 3 of the Electricity Act, 2003.