

**ORISSA ELECTRICITY REGULATORY COMMISSION**  
**BIDYUT NIYAMAK BHAWAN,**  
**UNIT – VIII, BHUBANESWAR – 751 012**

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**Present** : Shri B. K. Das, Chairperson  
Shri K.C. Badu, Member

**Dated the 20<sup>th</sup> day of August, 2007**

**CASE NO. 05 OF 2006**

IN THE MATTER OF : Approval of PPA executed for a Small Hydro  
Electric project of Capacity of 20 MW (2 x 10 MW)  
at Lower Machkund site by M/s Venus Energy  
Private Ltd. and GRIDCO Ltd.

Grid Corporation of Orissa Limited,  
Janpath, Bhubaneswar 751022

..... Petitioner

- Vrs. -

M/s Venus Energy Pvt. Ltd.  
57, Banjara Green Colony,  
Street No.-17, Road No.12  
Banjara Hills,  
Hyderabad - 500039

..... Respondent

**ORDER**

1. Grid Corporation of Orissa (GRIDCO) through affidavit dated 27.03.2007 filed an Application seeking the approval of the Commission of the PPA executed between M/s Venus Energy (Pvt.) Limited, Secunderabad and GRIDCO for installing a Small Hydro Electric Project (SHEP) of 20 (2x 10) MW at Lower Machkund site on River Machkund in the State of Orissa.
2. The Commission Vide Letter No. 580 dtd. 13.04.2006 requested M/s Venus Energy Private Limited (VEPL) to file its reply on or before 25.04.2006 on the application filed by GRIDCO for approval of the PPA. It was observed that the respondent VEPL had not filed any reply / submission with the Commission. The Commission vide Letter No. 863 dtd. 05.06.2007 asked GRIDCO and VEPL to attend the hearing on 22.06.2007.

3. During hearing on 22.06.2007 Mr. B P Mahapatra, DGM(F) and Mr. L D Mohapatra AGM(Ele) were present on behalf of GRIDCO but nobody was present on behalf of VEPL. GRIDCO, the petitioner, prayed for time for the case to be heard. The Commission adjourned the hearing to 03.07.2007 in keeping with the prayer of the petitioner.
4. During hearing on 03.07.2007, Mr. L D Mohapatra, AGM(Ele) was present on behalf of GRIDCO and nobody was present on behalf of VEPL. Since this was a PPA proceeding and without the presence of the respondent, it was not prudent to proceed further, the Commission therefore decided to close the matter.
5. Mr R K Nanda, Advocate through affidavit dtd. 17.07.2007 submitted that due to change of address of the respondent, VEPL could not receive the notice of the Commission to appear on 03.07.2007 and non-appearance before the Commission on the date fixed was purely unintentional and beyond the control of the respondent. The counsel of the respondent, therefore, prayed that the Commission might kindly allow the respondent to participate in the hearing by recalling the order dtd. 03.07.2007 in the interest of justice and to save the respondent from irreparable loss.
6. In keeping with the prayer of the respondent filed in its affidavit dtd. 17.07.2007, the case has been restored and notice was sent to GRIDCO and VEPL by letter No. 1317 dtd. 04.08.2007 to attend the hearing on 20.08.2007.
7. Accordingly, the matter was taken up for hearing. Mr. L D Mohapatra, AGM(Ele) was present on behalf GRIDCO and Mr R K Nanda, Advocate was present on behalf of VEPL. Mr Mohapatra on behalf of GRIDCO submitted that Engineer-in-Chief (Electricity), Govt. of Orissa has cancelled the MOU as well as the allocation of the site for Lower Machkund Project earlier awarded in favour of VEPL. Mr Nanda, the counsel of VEPL, submitted that they had requested the Govt. of Orissa to restore the MOU as well the site for Lower Machkund Project (2x10 MW) in favour of VEPL and it was under active consideration of the Govt.

After hearing the submission of the petitioner as well as that of the respondent, the Commission ordered to close the Case No. 05/2006 and directed the respondent to file a fresh application after the matter was resolved at Govt. level.

Sd/-  
**(K.C. Badu)**  
Member

Sd/-  
**(B.K. Das)**  
Chairperson