

Case No.49/2007

Dt.22.12.2007 Mr. Dhaneswar Mohanty, Advocate, OPGC, Mr.G.C.Mohanty, D.G.M., WESCO and K..N. Padhi, O&M, OPTCL are present.

The petitioner submitted that it has constructed 26 KM, 33 KV line at its own cost from Remja (Brajaraj Nagar) 132/33 KV Grid S/S to its power plant premises for availing construction power since the time of project execution. Presently, the line is being used for emergency power. Thus, the line remains idle charged. The line may need to be utilized in near future for the extension of the existing plant. WESCO has tapped this line to provide power supply to M/s Global Coals and Mining Pvt. Ltd., on temporary basis. The Respondent, WESCO is now insisting to draw power from the same line for supply of power to other consumers in the area adjoining the line. Though the line is being maintained by the petitioner, WESCO is insisting to maintain the line and as such is not allowing the petitioner to take L.C. from OPTCL. Further to substantiate the matter, OPGC submitted that M/s.Hari Electrical Works, Rajgangpur executed the construction of 132 KV line vide OPGC work order No.2136 dt.09.10.1987.

The cost of 33 KV line and the necessary switch gear was capitalised and taken into the assets of the OPGC at different times. They have submitted a copy of the capitalisation of assets during year 1989-1990. It is only a xerox copy not authenticated by anybody.

The petitioner also submitted copies of the agreement executed between Orissa State Electricity Board and OPGC for supply of 33 KV power in the agreement dt.6th November 1989 and subsequently with WESCO the successor of to OSEB/GRIDCO vide the agreement dt.5th June, 2000.

The above 33 KV line constructed operated and maintained by the petitioner for that part of the asset was never taken over by the OSEB and not transferred subsequently to the respondent.

The petitioner also cited the minutes of meeting of 25th August, 2006 held between the CEO, WESCO and Director (Operation) OPGC regarding status of the 33 KV line.

It was with mutual consent of both OPGC and WESCO permission was accorded to M/s.Global Coal and Mining Pvt. Ltd. by tapping the line for supply of power temporarily.

The issue came up as OPTCL did not give clearance to the petitioner to carry out maintenance work on 28th March, 2007 for the 33 KV line. They submit that WESCO should be directed "to enter into a format agreement with the petitioner under a tie relation for the use of dedicated 33 KV feeder line from Brajarajnagar 132/33 KV s/s treating the petitioner a generating company only". Besides, they had requested for issue of appropriate interim order restraining use of the aforesaid 33 KV feeder for supply of power to any of their prospective consumers.

The respondent WESCO also should be directed to remove all tapings from the said 33 KV line and provide power supply to its consumers through separate line of its own. The line belongs to OPGC and as such OPTCL should be directed to give L.C. to OPGC only.

OPTCL said that they are refusing L.C. to OPGC as the insistence of WESCO.

WESCO could not produce any proof of ownership of the line but submitted that the aforesaid line was owned by the erstwhile OSEB. It might have been constructed by the petitioner for the purpose of power supply at the time of project execution. After enactment of 1995 due to reform and restructuring the assets of OSEB were vested in the Govt. of Orissa and later re-vested in the GRIDCO by virtue of the transfer scheme. Subsequently these assets were transferred to WESCO. Hence, this line is the property of WESCO.

M/s. Global Coal and Mining Pvt. Ltd. has been temporarily allowed to avail power supply from the said 33 KV line as the line is the property of WESCO. Further, the line is the property of the licensee. The licensee has every right to provide power supply to the prospective consumer who may come in that area.

Regarding taking up line clearance from 132 KV Remja grid s/s only the authorized persons of WESCO can avail such a permit for reason of safety. Hence, giving line clearance permit to OPGC officials does not arise.

There exists no agreement in writing for exclusive use of the said 33 KV line by OPGC.

The Commission heard both the parties and perused the record made available. WESCO have not been able to submit any document in support of their contention that the 33 KV line from

Remja grid s/s to the OPGC premises is a part of their asset. On the other hand, OPGC has produced evidence regarding placing of work order for construction of the said line by OPGC.

OPGC has submitted copies of their work order for day to day maintenance of electrical installation of residential, non residential buildings at ITPS Township and day-to-day maintenance of LT/HT line/substations/street light/AC/geyser etc. vide their order 23.05.06 which also includes break down inside and outside of 33 KV line from ITPS to Ramja line, Banarpali village and recycling the plant etc. (vide annexure 1 page-32). OPGC has also submitted letter no.332 dt.28.02.07 of Chief Engineer (Projects-cum-Chief-Electrical-Inspector) (Generation) a statutory authority regarding arrear annual fee of ITPS. The Item 21 of page 39 also shows a charge of 1640 for a stretch of 52.8 KM of HT line.

OPGC has also quoted the minutes dt.25.08.06 as quoted below which has not been refuted by WESCO.

“That in the minutes of meeting held on 25.08.06 at Ib Thermal Power Station, in which the Chief Executive Officer, WESCO and the Director (Operation), OPGC participated, it has been record as follows :

“5. OPGC is having its own 33 KV line connected to Brajarajnagar Remja grid from IbTPS. This line of apprx. 26 KM was erected and commissioned during late 80s by OPGC for the construction work of IbTPS and is being maintained by OPGC till today. This line is now kept idle charged as a standby supply for our colony and Ash recycling plant. OPGC in its part is paying the bills to WESCO for this 33 KV line after deducting the cost of energy charges of the two villages @ Rs.3.10 per unit. This arrangement has been going on till today.”

“10. It was also suggested by WESCO that OPGC need to hand over the 33 KV infrastructures to them as per the provisions of the Electricity Act, 2003. OPGC did not agree to their suggestion and instead requested them to find ways under which the 33 KV line can be retained by OPGC for assured power supply to the plant & colony in case of emergency. At present OPGC have allowed M/s.Global Coal and Mining to draw power from its 33 KV line for their coal washery plant near Bandhabahal with the knowledge of WESCO.”

“The request of M/s. Global was considered by the petitioner as a special case anticipating future use of coal for generation purpose.”

Permission was accorded to Global Coal and Mining Pvt. Ltd. for drawing power supply temporarily from the nearest tapping point of 33 KV OPGC feeders till the completion of 33 KV /11 KV Bandhabahal s/s. (WESCO letter no.63 (3) dt.10th January, 2006).

From the available records specifically the minute drawn up between OPGC and WESCO, it is obvious that this 33 KV line from Remja to ITPS is a line owned by Orissa Power Generation Corporation.

From the WESCO letter no.63 dt.10.01.06 addressed to EE, Jharsuguda . it is observed that a tapping has been permitted to M/s. Global Coal and Mining Pvt. Ltd. for temporary drawl of power till the completion of 33/11 KV Bandhabahal s/s.

Since, this 33 KV line is intended for meeting the emergency drawl of OPGC power plant it is desirable that this tapping should be quickly removed and connected to Bandhbahal 33 /11 KV s/s with proper protection arrangement so as not to interrupt power supply in times of necessity.

In future also WESCO should not arrange to give power supply to any prospective consumer to maintain this as a dedicated feeder for meeting emergency supply in case of any exigencies. In the matter of availing shut down from Remja gird s/s only OPGC is competent to avail a shut down from this s/s. as they are the owners of the line. In case of necessity WESCO may make mutual arrangement for availing shut down with OPGC.

It will be desirable if the Bandhabahal 33/11 KV s/s is connected from some independent source of power from WESCO 33 KV network.

This disposes off the petition filed by OPGC.

Sd/-
Member (B)

Sd/-
Member (SK)

Sd/-
Chairperson