

Case No.8/2008

15.04.08 : Mr. R. P. Mohapatra, authorised representative of the Petitioner, Er. N.K. Mohanty, Advocate for the Respondent- OHPC and Mr. Sarat Chandra Nayak, Dy. Secretary, DoE, Govt. of Orissa are present.

Heard Petitioner & Respondents on question of admission.

The Petitioner - Secretary, Rengali Dam Project Workers' Union, Rengali Dam Site, Dist. Angul has filed this petition alleging that OHPC authorities are making discrimination against the employees of the Water Resources Dept. staying in the Rengali Dam Project by forcing them to take separate power from the CESU. The petitioner states that as they are the part and parcel of the Rengali Generating Station of the OHPC and they are entitled to get all the benefits and privileges as available to the employees of the Generating Company stationed in the same project. The petitioner further argued that by citing the Govt. of India Notification dtd. 08.06.2005 and the definition of the 'generating station' as stated in Section 2(30) of the Electricity Act, 2003.

The Respondent-OHPC in its submission has stated that the employees of Water Resources Dept. are not the employees of OHPC and they can not be treated as operating staff of the Generating Station. It is stated that the claims made by the petitioner are baseless and they are not entitled to get any relief. So also the Commission has no jurisdiction to adjudicate the matter as the petitioner is neither a licensee nor a generating company. The Water Resources Dept. may take up the matter with OHPC and at Govt. of Orissa level for amicable settlement and suitable arrangement for its employees stationed at Rengali Dam Project area.

In response to the above allegations of the Respondents, Mr. R.P. Mohapatra, authorised representative of the Petitioner stated that the Respondent-OHPC is violating the tariff orders of the Commission. The Respondent OHPC has statutory obligation to supply power to the employees engaged in generating station as its

auxiliary consumption. He further stated that the residential colonies of the employees adjacent to a generating stations are within the ambit of the word, 'generating station', as defined u/s 2(30) of the Electricity Act, 2003. The Commission by exercising its inherent power as vested under Regulation 76 of the OERC (Conduct of Business) Regulations, 2004 can intervene in the matter in the public interest, and in order to save the harassed employees of the WR Dept. from the arbitrary and discriminatory action of OHPC.

The representative of Govt. of Orissa stated that the civil and electrical wings of Rengali project were separated in the year 1990 and in the year 1996 Rengali power project was transferred to OHPC along with its employees as per the transfer scheme. He stated that the present dispute should be decided at the level of OHPC.

After hearing the parties and perusal of the records we are of the view that the petitioner, Rengali Dam Project Workers Union, has no locus- standi to file this petition. They have not been able to establish the due provision of law under which the present petition can be taken up for consideration by the Commission. Proceeding under Regulation 76 of OERC (Conduct of Business) Regulations, 2004 is inappropriate as the Commission can exercise its jurisdiction only within the ambit of the provisions of the Electricity Act, 2003 which does not empower adjudication between individual & groups and a generating company simply because the tariff is being determined by the Commission.

Hence this is not a fit case for admission.

Sd/-
Member (B)

Sd/-
Member (SK)

Sd/-
Chairperson