

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

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**Present :** Shri S.K. Jena, Member  
Shri K.C. Badu, Member

**Dated the 04<sup>th</sup> October, 2008**

**Case No.57 of 2008**

SOUTHCO	....	<b>Petitioner</b>
Vrs.		
GRIDCO & OPTCL	....	<b>Respondents</b>

For the petitioner: Mr. A.K. Bohra, CEO and Mr. B.N. Mallick, DGM (F),  
SOUTHCO

For the respondent: Mr. A.P. Mohanaty, GM (R&T), OPTCL and Mr. K.N.  
Padhi, Sr. G.M. (PP), GRIDCO

**ORDER**

Heard the parties on question of admission. Counter filed by the Respondents are taken into record.

2. The billing dispute is in respect of Rambha Traction s/s with other 6 nos. of Traction points under Jeypore Traction s/s. Every month there subsists a difference in the readings between the meters at Rambha Traction s/s and Chatrapur grid s/s along with the above six traction points under Jeypore while comparing the BST and RST bills raised by GRIDCO and SOUTHCO respectively. SOUTHCO filed a petition before the Commission which is registered as Case No.13/2005 against the licensee as it is accountable for distribution loss but not the loss in transmission line at 132 KV. The Commission had disposed of the case holding that GRIDCO should prefer BST bill to SOUTHCO in respect of Rambha traction, considering the meter reading of traction supply at Rambha traction point and likewise claims for individual

traction points under Jaynagar-Machkund transmission shall be on the basis of meter readings at respective traction s/s. Being aggrieved GRIDCO filed a review petition against the order in Case No.13/2005, which is registered as Case No.51 of 2005. The Commission had disposed of the said review petition holding that the petitioner has not been able to make out any error apparent on the face of the record and has not provided any new fact for review of the order and there is no sound technical, commercial or financial reason for which the petition stands discussed.

3. As per the order of the Commission, SOUTHCO requested GRIDCO to revise the BST bills in respect of the traction points and also requested to serve the BST bills taking joint meter reading of the meter installed at the consumer's premises. GRIDCO preferred an appeal before the Hon'ble ATE challenging the order of the Commission which was registered as Case No.2 of 2007 and was disposed of on 29.02.2008. The Hon'ble ATE upheld the order of the Commission and dismissed the appeal stating as follows:

*"We find no justification for interfering with the Commission's order, and, therefore, the result, the appeal is dismissed but with no order as to cost."*

4. GRIDCO has agreed for securitization for the same amount but till now it has not complied the order of the Commission. During the year 2003-04, 2004-05 and 2005-06, SOUTHCO has paid excess amount of Rs.1.52 crore as BST bills. In the month of June, 2007 it also paid 23% excess in July 55% excess and in August 22% excess billing amount made by GRIDCO. He further stated that for availability of rebate, SOUTHCO had to pay excess, current bills raised by GRIDCO which is not in the line of the order of the Commission. It shows that GRIDCO is not inclined to comply the order of the Commission. So, it may be penalized u/s 142 of the Electricity Act, 2003.

5. Mr. K.N. Padhi, Sr. G.M. (PP), GRIDCO stated that they had asked SOUTHCO to furnish the bills with soft and hard copy every month. They also agreed for

billing as per the traction point consumption. He also agreed that the differential amount of the bills should be adjusted upto August, 2008. From October, 2008 the bill shall be raised according to actual consumption.

6. As GRIDCO agreed to comply to the order of the Commission passed in Case No.13/2005, under such circumstances we feel there is no necessary to admit the case and initiate proceeding u/s 142 of the Electricity Act, 2003 at this stage. However, with the following observation, we dispose of the matter to meet the grievances of the petitioner.

(a) The excess bills raised by GRIDCO in respect of Rambha & Jaynagar-Machkund Traction points since Apr-05 to Sept-08 shall be credited to the escrow account of SOUTHCO. SOUTHCO shall submit the hard copies of bills raised to Railways in support of above claims. An amount of Rs.1.52 Crore pertaining to the period Apr-03 to Mar-05 shall be included for the purpose of securitization as agreed in principle by GRIDCO and SOUTHCO in their reconciliation discussion in OERC.

(b) From Oct-08 onwards, till the metering arrangement is made by GRIDCO, the current monthly bill shall be raised to SOUTHCO on the basis of meter installed at the Traction S/s. GRIDCO shall prefer the BST bill on the basis of energy bill issued to the Traction consumers by SOUTHCO for which SOUTHCO shall provide the hard and soft copy of the energy bills to GRIDCO.

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

Sd/-  
**(S.K. Jena)**  
**Member**