

**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  
                      Shri B.K. Misra, Member

**Case No.07/2009**

(Arising out of the order dated 30.06.2009 passed by the Hon'ble Orissa Electricity  
Regulatory Commission in Case No. 7 of 2009, a disposed of case).

M/s. JSL Ltd.	....	<b>Petitioner</b>
Vrs.		
M/s. GRIDCO LTD.	....	<b>Respondent</b>

**In the matter of:        An application for correction of a typographical error /  
clarification of Order dated 30.06.2009**

<b>Date of Hearing:</b>	<b>31.08.2009</b>	<b>Date of Order: 30.09.2009</b>
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**ORDER**

Mr Aditya Narayan Das, Advocate for petitioner, Mr. A C Mallick, Director (Com.), GRIDCO are present. The filings made by the petitioner are taken into record.

2. The petitioner stated that on perusal of the copy of the order Dt 30.06.2009 in case No. 7 of 2009 in detail, it was discovered that there were some typographical errors in the submissions of the counsel for JSL Ltd., the petitioner herein, recorded in paragraph-3 of the order. The paragraph-3 of the interim order dated 30.06.2009 is reproduced hereunder:

*“3. Mr. Aditya Narayan Das, learned counsel for M/s JSL Ltd. submitted that as a CGP they inject the maximum volume of 125 MW into the State Grid under the current order of this Commission dtd. 28.02.2009. He further submitted that the definition of Co-generation given in Govt. of India Ministry of Power Resolution dtd. 06.11.1996 should be read, in conformity with that given in Section 2 (12) of Electricity Act, 2003. He intimated the readiness of his company to continue the supply of power to the State Grid at the current levels. He also*

*requested the Commission to direct GRIDCO to share their profit earned through trading/UI in future with them.”*

3. The counsel for the Petitioner has stated that JSL Ltd. wanted to transfer the power from its captive power plant to outside the State, however, since it is not being permitted by OPTCL despite orders of the Central Electricity Regulatory Commission and the Appellate Tribunal for Electricity, the Petitioner has no option but to inject the power generated into the State Grid. He further stated that the Petitioner was compelled to generate power at the maximum level and to inject all the power generated into the State Grid by virtue of the **order dtd. 22.04.2009 of the State Government under Section 11 of Electricity Act, 2003** (this order has erroneously been recorded in para 3 as “Order of this Commission dtd. 28.02.2009”). Due to the said order, the Petitioner had been injecting power on an average 125 MW (which on certain days was 160-180 MW) into the State Grid. However, the Petitioner was neither ready nor was in a position to supply power at the current level. It has erroneously been recorded in para 3 that **“he intimated the readiness of his company to continue the supply of power to the State Grid at the current levels”**.
4. He further submitted that if the para 3 of the said order was not corrected, the Petitioner would be gravely prejudiced in as much as firstly, it did not reflect the correct facts and secondly, it might be mis-utilized and misinterpreted as being an admission /concession/ acquiescence and abandonment of rights of the Petitioner in various proceedings before different fora.
5. In view of the facts and circumstances, the petitioner prayed before the Commission to Correct its order dated 30.03.2009 in case No.7 of 2009 as indicated below: -
  - (i) by deleting the words “under the current order of this Commission dtd. 28.02.2009” from paragraph 3 of the said order and substituting it with “under the current order of the State Govt. dtd, 22.04.2009 under Section 11”; and

- (ii) by deleting the sentence contained in paragraph 3 which is referred to above and which reads as follows: “He intimated the readiness of his company to continue the supply of power to the State Grid at the current levels.”
6. Shri A C Mallick, Director (Com) on behalf GRIDCO submitted that prior to enforcement of Section 11 by State Govt., M/s JSL Ltd. was supplying power to GRIDCO and M/s. JSL Ltd. was to give its full surplus power to GRIDCO for the consumption in the State. M/s. JSL had confirmed in the hearing for optimization of its generation capacity.
7. The Commission has enquired about their present consumption and the availability of surplus power of M/s JSL. In reply, the counsel of JSL submitted that the present consumption is about 80 MW as the total integrated stainless steel plant had not been commissioned. After commissioning the integrated steel plant the surplus availability shall only be to the tune of 25 MW.
8. After the perusal of the submissions made before us, we decide to accept the request of M/s JSL and amend the para 3 of the Order dtd. 30.06.2009 in Case No. 7 as mentioned hereunder:
- “3. Mr. Aditya Narayan Das, learned counsel for M/s JSL Ltd. submitted that as a CGP they inject the maximum volume of 125 MW into the State Grid under the order of the State Govt. dtd, 22.04.2009. He further submitted that the definition of Co-generation given in Govt. of India Ministry of Power Resolution dtd. 06.11.1996 should be read, in conformity with that given in Section 2 (12) of Electricity Act, 2003. He intimated that is company would optimize its generation of CGP to supply surplus power to the grid. He also requested the Commission to direct GRIDCO to share their profit earned through trading/UI in future with them.”
9. Accordingly, the matter is disposed of.

Sd/-  
**(B.K. Misra)**  
Member

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

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