

ODISHA ELECTRICITY REGULATORY COMMISSION
BIDYUT NIYAMAK BHAWAN
UNIT-VIII, BHUBANESWAR - 751 012

Present: Shri K.C. Badu, Member
Shri B.K. Misra, Member

Case No.66 & 67/2010

(1) M/s Tata Steel Limited,

(2) Rourkela Chamber of Commerce & Industries ... **Petitioners**
Vrs.

M/S GRIDCO Limited & Others **Respondents**

In the matter of: An Application for rectification of the Order dated 17.04.2010
passed by the Hon'ble Commission in Case No. 16/2010

For the Petitioner: Shri R.P.Mohapatra, Tata Steel.

For the Respondents: Sri S.D.Bhanja, DGM(Legal), NESCO, Sri A.K.Mohanty, GM(R&T)
OPTCL, Sri S.K.Das, GM(SLDC) OPTCL, Sri P.K.Sahoo S.E.(R&A)
WESCO, Sri O.P.Singh Sr. Manager(Elect.) PPL, Sri A.K. Bhora,
CEO (Commerce), R.O. WESCO, NESCO, SOUTHCO. Sri M.K.Das
GM(PT) WESCO, NESCO, SOUTHCO, Sri B.K.Lenka, COO, CESU.
Sri J.K.Das, Sr.GM(PP) GRIDCO.

Date of Hearing: 28.08.2010

Date of Order: 04.04.2012

ORDER

1. This matter relates to Order (Protocol) on Power Regulation issued by the Commission under Section 23 of the Electricity Act, 2003 on 14.01.2010 and its review order on 17.04.2010. The Commission had reviewed its Order on 14.01.2010 on a petition by GRIDCO. However, in the present case M/s. Tata Steel Ltd. (TSL) and Rourkela Chamber of Commerce and Industry (RCCI) wanted further review of the Order on 17.04.2010 due to some apparent error and some new facts which was not brought before the Commission by GRIDCO during the hearing.

Submission of the Petitioner

2. Sri R. P. Mohapatra authorized representative of the petitioner M/s TSL & RCCI prayed for certain rectifications in the load Regulation Protocol Order dtd. 17.04.2010. He brought to the notice of the Commission that Director (Engg.) of OPTCL in his Lr. No. 2115 dtd. 16.05.2009 had instructed his field officer to restrict

the drawl of power to 10 MW which was subsequently objected by the Commission in their Order 23.05.2009 in Case No. 69/2009. He further submitted that although the Commission had directed on 23.05.2009 in Case No. 69/2009 for a load restriction of 15% and 25% respectively on HT and EHT consumers, OPTCL imposed restriction upto 50% on RTC basis which continued from 21.06.2009 to 19.07.2009.

3. The Commission in their review order on Protocol of Power Regulation dtd. 17.04.2010 had restricted both demand and energy for an industry considering the normal demand and energy drawl for last one year but has overlooked the fact that the period under consideration also included power restriction period. He further submitted that demand charge calculation as prescribed by the Commission in the review order should be $Rs (X \times P) + (X - D)P$ instead of $Rs(X \times P) + 2(X - D) \times P$ as because the later formula is inconsistent with the RST Order.

Where x = Maximum demand achieved.

$X - D$ = Over drawl in KVA $-D$ = Restricted Demand

P = Rate per KVA (Rs./KVA)

Submission of the Respondents

4. In response to the petition filed by M/s TSL & RCC the respondents namely GRIDCO, OPTCL, SLDC, CESU, NESCO, WESCO, SOUTHCO. PPL had filed their responses. The views of all the respondents are similar in nature. They submitted that the petitioner have not raised the issue of duration basing on which restriction of energy drawl shall be calculated during the hearing by the Commission. Therefore, as per Sec, 11(IV) of CPC, if a matter which might or ought to have been raised by plaintiff in the former suite is not raised by him there he would be estopped from raising the same question in a subsequent suite between the same parties. Similarly the calculation of penal demand charge during load restriction period has no relationship with the methodology adopted for penal demand charge calculation in Retail Supply Tariff Order of the Commission. The petitioner is unnecessarily complicating the issue.

Commission's Observations and directions

5. Heard the parties. The Commission finds that the Regulation protocol was issued on a specific situation to meet energy demand supply gap of the state which was for a fixed duration. However keeping in view of the wide variation of industrial load, Commission had directed to consider average drawl for January to December 2009 as

the normal drawl for an industry. Averaging the drawal from January to December, 2009 can very well take care of any restriction of OPTCL during that period.

6. Regarding calculation of penal charges, the Commission is of the opinion that the consumers should strictly adhere to the restricted drawl during the Power Regulation period. Hence they should be penalized at higher rate to compensate GRIDCO once they step out of their limit. Thus the illustration in Case 1 (iii), (iv) in the said order should be understood accordingly. In view of this if any EHT & HT industries draw power in excess of the restricted demand, such excess demand (over the restricted demand) shall be liable for a penalty and payable at the twice of the prescribed rate of demand charges.
7. Hence there is no apparent error in the order dated 17.04.2010 passed in Case No-16/210. Moreover in the mean time the Commission vide Order Dated 11.05.2010 in case No 1/2010 has already suspended the Power Regulation in the state. Thus the above case is of no relevance in the present situation.
8. Accordingly the case is disposed of.

Sd/-
(B. K. Misra)
Member

Sd/-
(K. C. Badu)
Member