

**ODISHA ELECTRICITY REGULATORY COMMISSION**  
**BIDYUT NIYAMAK BHAWAN**  
**UNIT-VIII, BHUBANESWAR - 751 012**  
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**Present : Sri S.P.Nanda, Chairperson**  
**Sri K.C.Badu, Member**  
**Sri B.K.Mishra, Member**

**CASE NO.102/2011**

Sri R.P.Mohapatra .....Petitioner

Vrs.

GRIDCO & Others .....Respondent

**In the matter of :** An application under Section 142 of Electricity Act, 2003 for violation of the orders of the OERC relating to order (Protocol) on Power Regulation in the state under Section 23 of the Electricity Act, 2003.

**Date of Hearing: 27.01.2012**

**Date of Order: 10.02.2012**

**ORDER**

Sri R.P.Mahapatra has filed the present application praying the Commission to initiate appropriate action under section 142 of the Electricity Act, 2003 against the licensees for violation of orders of OERC relating to order (Protocol) on Power Regulation issued under section 23 of the Electricity Act, 2003. Sri Mahapatra submitted that imposition of Regulation of Power is required due to mismatch of supply and demand and the Commission is mandated to do so as per section 23 of the Electricity Act, 2003, to maintain efficient supply, secure equitable distribution of electricity. Regulation of Power is required to be imposed in the State due to low hydro generation because of low water level, which is very well evident from the presentations of GRIDCO at OERC on 30.10.2011 and as such, this type of power deficit situation shall not improve till Aug, 2012.

2. He submitted that in the absence of any protocol on Power Regulation, distribution licensees are doing Power Regulation on their sweet will and pleasure with hidden intention of revenue maximisation, instead of adhering to the equitable distribution of electricity. The Commission had issued the protocol on Power Regulation vide its order dt.14.01.2010, in Case No. 1/2010 when the shortage was around 10% only (400 MW approx.). Therefore the time has already reached for notification of the protocol on Regulation of Power by the Commission, as mandated under section 23 of the Electricity Act, 2003. To handle the power deficit situation in a proper/justifiable

manner, Commission has to notify the Power Regulation (protocol), which is required to be adhered by the licensees. Sri Mahapatra stressed for restricted supply also to EHT/HT consumers in the present power shortage scenario and asked for outcome of the Grid Coordination committee(GCC) meeting with reference to the Commission's order dated 07.03.2011 and action taken thereto on Load Regulation Protocol.

3. Sri Mohapatra in his application has submitted the following points for considerations of the Commission.

- Imposition of penalty on GRIDCO for violation of orders of the Commission in the matter of procurement of costly power without approval of the Hon'ble Commission.
- Imposing of penalty on OPTCL, SLDC and four DISCOMs for non-adherence to the orders dt.11.05.2010 of the Commission for not notifying the protocol of Power Regulation and not seeking the approval of the Commission for restricted supply.
- Commission may determine Power Regulation to be imposed in the state till adequate inflow into the hydro reservoirs.
- Additional cost incurred by GRIDCO in purchasing costlier power should not be included in the current or future ARR of GRIDCO.

4. The Commission conducted the hearing on the matter on 27.01.2012 Sri P.K.Swain, Sr.G.M.(PS), SLDC, OPTCL; Sri Ranjit Das, Sr.G.M.(PP), OPTCL; Sri A.L.Bhora, CEO, Sri M.K.Das, CSO office of Reliance Managed DISCOMs; Sri S.K.Puri, AGM(O&M), OPTCL, Sri L.R.Padhi, DGM(Com), CESU; Sri M.V.Rao, DGM, SOUTHCO; Sri S.D.Bhanja, NESCO; Sri Ramesh Satpahty and Sri R.P.Mahapatra, the petitioner were present during the hearing.

5. The views submitted/presented by different licensees/persons are summarised as below :

(i) Sri R.C.Satapathy

- Distribution licensees should furnish a statement on the load restrictions in their area through affidavit. Arbitrary power cut should be stopped. Govt. should submit a report on the extra power received by the state due to the imposition of section 11 of the Electricity Act, 2003 in order to meet the electricity demand of the State.

(ii) SLDC

- The power available from all sources including ISGS share is being scheduled in favour of DISCOMs and DISCOMs are supposed to comply with their respective drawal schedule.
- SLDC, being an independent system operator is carrying out its functions and issuing directions for demand and supply management during unfavourable frequency condition. However, demand regulation and drawal as per schedule is the sole responsibility of the DISCOM.

(iii) NESCO/WESCO/SOUTHCO

- There is no Power Regulation on regular basis. The restrictions are being imposed by OPTCL or SLDC on real time mode and followed by distribution licensees in order to maintain the grid discipline.
- The licensees are also trying their best to arrange powers from all small CGP's at 33 KV distribution network to meet the shortfall.
- GRIDCO may be asked to furnish the data regarding amount of fixed cost deducted by GRIDCO from generators monthly bills towards such non-availability of power by Hydro and thermal generators.
- A standard manual on Power Regulation may be approved for implementation at the time of less availability of power.

(iv) OPTCL

- Load /demand Regulation is the sole responsibility of DISCOMs. DISCOMs are required to contain their drawl within the day-ahead schedule prepared by SLDC.
- Some times due to inadequate infrastructure available with DISCOMs, OPTCL is isolating the outgoing feeders emanating from OPTCL grid for proper implementation of demand management.
- OPTCL has never violated the orders of the Hon'ble Commission and hence requested not to initiate proceedings under section 142 of the Electricity Act, 2003.

(v) CESU

- Load drawal schedule is being prepared by SLDC considering the supply side exigencies and demand management has been carried out as per OGC-2006, CESU is monitoring the load to have equitable distribution of power among all its consumers.
- Power Regulation, whenever required, is being intimated to public through telephone and local announcement.
- OPTCL/GRIDCO may issue necessary notification in news papers/ media for smooth implementation.
- No penalty may be imposed on CESU as it has not violated the orders of the Commission as regards to load Regulation and carry out the demand management as per the direction of SLDC in a power scarcity situation.

(vi) GRIDCO

- Random Power Regulation in the state during October/November, 2011 is not true.
- Normal planned Load Regulation has not yet started, for which GRIDCO has not approached the Commission.
- DISCOMs are allotted power on real time basis as per availability and asked to remain within stipulated limit to maintain the stability of system.
- DISCOMs are required to confine their drawal as per the day-ahead schedule allocation, made by SLDC, basing on the availability and demand in an equitable manner.
- GRIDCO has not purchased costly power from the NEW grid and power exchanges. GRIDCO is procuring power through Power Exchanges basically to meet the deficit during morning and even peak hours, with a reasonable rate.
- GRIDCO is also trying to arrange power through power banking to bridge the gap between demand and supply. By now, it has arranged 25 MW for December, 2011 and 75 MW for January, 2012 through power banking from NVVN and also trying to avail more power through power banking.

- GRIDCO prayed to dismiss the petition and submitted that the petition is irrelevant and devoid of merit and hence there should not be imposition of any penalty under section 142 of Electricity Act, 2003 as there has been no wilful violation of the power protocol order of the Commission, rather the Commission was apprised of the situation in a meeting held on 31.01.2011.

6. Commission's Observation

- (i) We have carefully gone through the written submissions and patiently heard the submissions made by the petitioner and respondents. It is a fact that because of various reasons there is a mismatch of demand and supply for which the licensees are resorting to load restriction.
- (ii) The Commission in its Order (Protocol) on Power Regulation dt.14.01.2010 in Case No.01/2010 had prescribed the broad guidelines for management of supply of power under a power deficit situation. Subsequently, the Commission in its order dt.11.05.2010 has clearly mentioned that the broad guidelines/modalities prescribed in the said Regulations will be applicable mutatis mutandis as and when a situation of mismatch of demand and supply arises in future. The Commission has also directed SLDC, OPTCL and DISCOMs to take appropriate steps for equitable distribution of power as per the stipulations under section 23 of the Electricity Act, 2003.
- (iii) Now GRIDCO is drawing power on banking basis to reduce the power restriction. Further, the restricted supply in winter season may be helpful to retain the water in the hydro generation reservoirs to utilise it during the expected difficult times of summer season. The broad guidelines/modalities as enumerated in order (protocol) on Power Regulation dt.14.01.2010 is already available and can very well be applied, in case of demand visa-vis supply gap. As the licensees are apparently doing rotational load shedding in their area, the Commission feels that any fresh notification of Order (Protocol) on Power Regulation is uncalled for at this stage.
- (iv) Now while clarifying the issue of arbitrary load shedding, the Commission observes that although there are rotational load shedding both in Urban and Rural areas, but licensees are doing load restriction in Rural areas for a longer period in comparison to Urban areas. The Commission, therefore, directs the DISCOMs to do the rotational load shedding in an uniform manner without any discrimination as per the standard load regulation protocol ordered in the

Case No.01/2010, whether it is Urban or Rural and the duration and starting time of load shedding in a particular area should be intimated in advance through print and electronic media or through public addresses system or through telephone/mobile phone to the consumers concerned.

- (v) The suggestions of restriction on EHT and HT industries (when manageable) would cause heavy revenue loss as a result of which the DISCOMs would not be able to meet the BSP dues of GRIDCO and GRIDCO in turn to the generators. Further, the drawal by EHT/HT industries are evenly spread out through out the day due to high load factor. The mismatch of demand and supply occurs mainly during morning and evening peak time. We, therefore, do not find any justification for restriction of EHT/HT supply at this stage. However, in future, if the power supply situation so warrants, the Commission may pass orders as deemed fit to secure the equitable distribution of electricity keeping in view the nature/quantum of consumption and generation of revenue for ensuring development of the economy.
- (vi) In view of the Commission orders dt.07.03.2011 in Case No.162/2010, GRIDCO, SLDC, OPTCL (all stake holders) were required to periodically discuss the Load Regulation Protocol(which is of dynamic in nature) in the GCC Meeting and submit the outcome of such deliberation to the Commission for issue of orders, if required. It is understood that although WESCO/NESCO/SOUTHCO has submitted some proposal in this regard during the last GCC Meeting held on 07.08.2011, the compliance of GCC on this issue by way of further discussion & outcome thereof is yet to be received by the Commission. Further, it is also understood that no subsequent meeting has been held by GCC so far after 07.08.2011. We direct that CMD, GRIDCO should hold monthly meeting with DISCOMs, OPTCL and SLDC to review the overall power situation and equitable distribution of power keeping in view the interest of the consumers and the financial liabilities of GRIDCO, OPTCL and the DISCOMs. CMD, GRIDCO in to keep Commission informed of the development of the power situation in the State from time to time.

7. With the aforesaid observation, the case is disposed of accordingly.

**Sd/-**

**(B.K.Misra)**  
**Member**

**Sd/-**

**(K.C.Badu)**  
**Member**

**Sd/-**

**(S.P.Nanda)**  
**Chairperson**