

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

Present: Shri S.P.Nanda, Chairperson
Shri K.C. Badu, Member
Shri B.K. Misra, Member

CASE No. 98 of 2011

M/s.Bhusan Power & Steel Ltd.	Petitioner
Vrs.		
GRIDCO & Ors.	Respondents

In the matter of: An application under Sec. 86 (1) (e) of the Electricity Act, 2003 read with Reg. 8,9 & 10 of OERC (Conduct of Business)Regulations, 2004 and OERC (Renewable and Co-generation Purchase Obligation and its Compliance) Regulation, 2010 .

For the Petitioner: Shri Satyajit Mohanty, Advocate, Shri Bibhu Charan Swain & Shri Suresh Kumar on behalf of M/s Bhusan Power & Steel Ltd.

For the Respondent: Shri P N Bhandari, Advocate and Shri Manoj Rastogi, AVP Power Sale, M/s Vedant Alluminium Ltd., Shri Bibhu Charan Swain on behalf of Power Tech Consultants Ltd., Shri S K Panda, Secy., CCPPO, Shri Sanjeev Das on behalf of CCPPO & C II , Shri Suryakanti Pati, Chief Manager (Elect.) I/c, M/s OCL India Ltd., Rajgangpur, Shri Suresh Chandra Mishra and Shri P K Nath on behalf of NALCO, Shri R P Mohapatra on behalf of M/s EMAMI Paper Mills Ltd., and also for self, Shri Ranjit Das, Sr. GM (PP), GRIDCO, Shri S N Mishra, E.I.C-cum-PCEI (O), Shri Mahinath Beuria, OREDA and Shri A.K.Mohanty, GM (RT&C), OPTCL.

ORDER

Date of Hearing: 26.12.2011

Date of Order: 31.12.2011

The case is taken up today for hearing. Notice was issued to the petitioner –M/s Bhusan Power and Steel Ltd.,and also the Commission had given public notice on

10.12.2011 fixing the date of hearing on 26.12.2011 at 11 AM inviting views/suggestions/objection from general public including industries having CGP/Co-generation Plants, GRIDCO, OREDA, DISCOMs, State Govt., EIC Electricity and from obligated entities for effective hearing on implementation of Renewable Purchase Obligation under OERC (Renewable and Co-generation Purchase Obligation and its Compliance) Regulation, 2010.

2. According to the said public notice the Commission has received views/Suggestions/Objections from GRIDCO, OREDA, OPTCL, SLDC, EIC-cum-PCEI, GoO, DoE, GoO, M/s. Vedant Aluminium Ltd., M/s. Emami Paper Mills Ltd., M/s. CII, CCPPO, M/s NALCO, M/s. OCL India Ltd., M/s. Power Tech Consultants and from Shri R.P. Mohapatra and the same are along with the letter of authorization, Valkalatnama filed by Shri P.N. Bhandari, Advocate on behalf of VAL and the withdrawal petition filed by M/s Bhusan Power and Steel Ltd. along with its rejoinder are taken on record. All the above named persons have filed their respective views/suggestions/objections and also took part in the hearing.
3. The counsel for M/s Bhusan Power and Steel Ltd. prayed the Commission to allow the petitioner to withdraw the above case i.e. Case No.98 of 2011 as OREDA has already issued letter dated 20.12.2011 communicating the clarification issued by this Commission vide its Letter 23.11.2011 regarding Captive Generation Plants having waste Heat Recovery Boilers (WHRB) to furnish the steam flow data from its WHRB Conventional Boilers separately and annual generation of CGP at the end of each financial year to GRIDCO for certifying as to whether M/s Bhusan Power & Steel Ltd. is coming under Co-generation plant or not. He also prayed that, when he has filed the application for withdrawal of the case the Commission may not pass any Order in Case No. 98 of 2011, which will affect the interest of the Petitioner. If the Commission would hear the parties on this matter to pass a common order, then the rejoinder filed today by M/s Bhusan Power and Steel Ltd., may be accepted and treated as its views/objection/suggestion like other parties; who have filed views, pursuant to the public notice.

4. As the Commission has received suggestions/objections/views from the general public including stakeholders, CGPs, Co-generating Plants/obligated entities etc. to take common decision on the R.P.O Regulation directed the Registry to register a case Suo-motu proceeding on the above matter. Accordingly a Suo-motu proceeding is initiated forthwith, which is Registered as Suo motu Case No. 111/2011 (Suo-motu proceeding on RPO Regulations, 2010).
5. As per prayer of M/s Bhusan Power and Steel Ltd., its petition for withdrawal of Case No. 98/2011 is allowed and hence the Case No. 98/2011 dismissed as withdrawn.
6. The Commission heard the parties on the basis of Suo-motu proceeding in Case No. 111/2011.
7. Hearing concluded. Order reserved. Parties are directed to file their written note of submission, if any, within 7 days & thereafter the Commission will pass the order on this matter.

Sd/-
(B.K.Misra)
Member

Sd/-
(K.C.Badu)
Member

Sd/-
(S.P.Nanda)
Chairperson