

**ODISHA ELECTRICITY REGULATORY COMMISSION**  
**PLOT NO. 4, CHUNUKOLI, SHAILASHREE VIHAR,**  
**CHANDRASEKHARPUR,**  
**BHUBANESWAR-751023**  
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**Present :      Shri A. K. Das, Member and Chairperson**  
**Shri Sauri Kant Parhi, Member**

**Case No. 2 of 2012**

M/s. GRIDCO Ltd. ....Petitioner  
Vrs.

The Commissioner-cum Secretary to Govt.,  
DoE, GoO, Bhubaneswar & Others. ....Respondent

**In the matter of:      An Application for extension of time for implementation of Intra- State  
ABT in real time mode with commercial implication in the State of  
Odisha under Regulation 18 of OERC (Intra-State ABT) Regulations,  
2007.**

**And**

**In the matter of:      Arising out of Suo-motu proceedings in Case No. 50 of 2010.**

For the Petitioner:      Shri Manas Kumar Das, Director (Comm.)  
                                 Shri A.K.Samantaray, G.M. (Elec.)  
                                 Rutupurna Mansingh, Manager (PP), EBL

For the Respondents: Niharika Pattnaik, ALO, DoE, GoO  
                                 Shri Chandan Das, E.E, SOUTHCO Utility  
                                 Sanjeeb Mohanty, Asst. Manager, SOUTHCO Utility  
                                 P.K.Padhy, GM (Elect.), CESU  
                                 K.C.Nanda, DGM (Fin.), WESCO Utility  
                                 M.Ananta Rao, CGM-IT, OPTCL  
                                 Malancha Ghose, Manager (RA), NESCO Utility  
                                 P.K.Mishra, SLDC

**ORDER**

**Date of Hearing: 09.12.2016**

**Date of Order:06.01.2017**

The present case arises out of the direction of the Commission in Case No. 50/2010 ( a Suo-Motu proceeding of the Commission) where the Commission had directed for implementation of Intra-State ABT in two phases i.e. Phase-I among GRIDCO and the DISCOM Utilities with commercial implication w.e.f. 01.01.2012 and thereafter covering all the licensees, the State generators including CGPs and Long Term and Short Term Open Access customers etc.

2. Consequent to this order of the Commission, GRIDCO filed the present petition on 28.12.2011 with a prayer to grant 6 months more time for commercial operation of the Phase-I Intra-State ABT as the Energy Accounting and Settlement software were not completely developed. The developed software would run a test to make it error free.
3. The Commission in its interim order dated 07.02.2012 had directed all the stakeholders, GRIDCO, DISCOMs Utilities and SLDC to implement Intra-State ABT (Phase-I) in real time mode with commercial implication w.e.f. 01.04.2012 and action under Section 142 would be initiated against the Licensee, SLDC and the officers responsible for derailing such implementation beyond 01.04.2012.
4. After implementation of Intra-State ABT w.e.f. 01.04.2012 as per the directions of the Commission GRIDCO found that DISCOMs Utilities were not paying the UI bills served by SLDC as per ABT Regulation though, GRIDCO was constrained to pay the generators for such energy through market borrowings. Further, the DISCOM Utilities intentionally were under-declaring their day ahead schedule and were overdrawing from the GRID at high frequency condition with an intention to availing power at zero cost or below BSP. Furthermore, SLDC vide its letter dated 17.12.2013 in accordance with Regulation 8 (d) of OERC Intra-State ABT Regulations, 2007, declared such act of overdrawal by DISCOM Utilities as “Gaming” and recommended GRIDCO to pray the Commission to allow the quantum of energy overdrawn by DISCOM Utilities to be billed at BSP rate.
5. In the meantime, GRIDCO had filed a petition before this Commission seeking clarification on certain directions given on the issue of power Regulation to the DISCOM Utilities by GRIDCO and overdrawal of energy by DISCOM Utilities, which was registered as Case No. 40/2013. In this case both GRIDCO and DISCOM Utilities raised the issues on methodology of billing of UI charges to DISCOMs by GRIDCO, which were related to implementation Intra-State ABT. In its additional submission in Case No. 40/2013, GRIDCO had raised the issue of “Gaming” by DISCOM Utilities in Intra-State ABT regime, which was also deliberated in the meeting dated 01.02.2014 convened at OERC as per the interim order dated 16.01.2014 passed in Case No. 40/2013. But the Commission while passing the order dated 05.04.2014 in Case No. 40/2013, had not made any observation on the issue of “Gaming” by DISCOM Utilities and also there was no resolution of this issue in the said Meeting dated 01.02.2014, resulting in huge financial loss to GRIDCO as stated. Therefore, GRIDCO filed a review petition before this Commission, registered as Case No. 40/2014. But the said review petition was dismissed by the Commission with the comment

that “Since GRIDCO Ltd. is dissatisfied with the order, it seeks review of the order but it is an appeal in disguise, which cannot be entertained at this stage.”

6. Due to part-implementation of Intra-State ABT (Phase-I) and manipulation by DISCOM Utilities in terms of day-ahead declaration of schedule vis-à-vis actual drawal from GRID it resulted in huge financial loss to GRIDCO during the period from 01.04.2012 to 16.02.2014 i.e. period for which CERC UI rates were available. With effect from 17.02.2014, CERC repealed the UI Regulations, 2009 with DSM Regulations, 2014, which is different and in applicable for Intra-State UI calculations.
7. In view of the above, GRIDCO has filed an appeal before APTEL, New Delhi against the Commission’s order dated 05.04.2014 in Case No. 40/2013 and order dated 10.10.2014 passed in Case No. 40/2014, which have been registered as Appeal No. 55/2015 and have been posted for hearing on 15.02.2017. However, GRIDCO in its submission in the present case has prayed the Commission to pass an order for revision of UI billing so as to replenish the financial loss of GRIDCO from 01.04.2012 to 16.02.2014 due to part implementation of Intra-State ABT and “GAMING” by DISCOM Utilities and also to frame and implement Intra-State DSM Regulations retrospectively w.e.f. 17.02.2014 in line with CERC DSM Regulations, 2014.
8. The Respondent, CESU submitted that as per the direction of the Commission, vide its interim order dated 07.02.2012 passed in the present case, SLDC has implemented Intra-State ABT (Phase-I) w.e.f. 01.04.2012 and served UI bills to CESU every month as per the procedure approved by the Commission till 16.02.2014. Thereafter, SLDC has served bills based on Deviation Settlement Mechanism, which has not been approved by the Commission. CESU has faced difficulties as the SCADA drawal data shown by SLDC is not matching with the actual drawal while comparing with the UI/deviation bill received from SLDC. Further, contrary to the Commission’s order, from July, 2015 GRIDCO is giving bills on schedule energy and also on overdrawal energy, which is to be followed by SLDC. In addition, SLDC is also giving UI/ Deviation bills on weekly basis.
9. Therefore, the Respondent, CESU prayed the Commission to direct SLDC to ensure more accurate SCADA drawal data, so that CESU could be able to furnish accurate day-ahead schedule. Further, GRIDCO may be directed not to raise bills on overdrawal of energy which is otherwise should have been billed by SLDC as per the UI mechanism approved by the Commission. Also excess amount paid by CESU to GRIDCO on account of overdrawal energy needs to be refunded by GRIDCO and adjusted against dues payable to SLDC on account of UI charges.

10. Heard the parties and their written submissions have also been taken into records. The Commission observed that the present case had arisen on the petition of GRIDCO for extension of time of 6 months more for implementation of Intra-State ABT (Phase-I) i.e. among GRIDCO and DISCOMs Utilities. However, the Commission, vide its interim order dated 07.02.2012 in the present case had allowed three months more time and directed for implementation Intra-State ABT with commercial implication w.e.f. 01.04.2012 instead of 01.01.2012, which was fixed as per the Commission's order dated 14.09.2011 passed in Case No. 50/2010. Accordingly, Intra-State ABT (Phase-I) has been implemented w.e.f. 01.04.2012.

However, in their submission, both the Petitioner GRIDCO and the respondent CESU have raised certain difficulties faced by them on account of billing and scheduling during implementation of Intra-State ABT (Phase-I). All these matters raised by them have already been dealt with by the Commission in their order dated 05.04.2014 passed in Case No. 40/2013, against which the Petitioner GRIDCO has gone on appeal to the Hon'ble APTEL vide Appeal No. 55/2015, which is still sub-judice. The decision of Hon'ble APTEL shall prevail on those issues.

11. Further, regarding the request of GRIDCO Ltd. for implementation of Intra-State Deviation Settlement Mechanism, the relevant Regulation is under preparation in the Commission which will be notified in due course.
12. In view of the above, the present Case No. 2/2012 has become infructuous.
13. The case is accordingly dismissed and disposed of.

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

Sd/-  
**(A. K. Das)**  
**Member / Chairperson**