

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

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

Case No.20 of 2012

M/s Tata Sponge Iron Ltd., Petitioner

Vrs.

Chief Executive, OREDA & another ----- Respondents

In the matter of: Misc. petition under Ss.2(12) & 86 (10) (e) of the Electricity Act, 2003 read with reg.2 (h) & 10 of OERC (Renewable & co-generation Purchase Obligation and its Compliance) Regulation, 2010 for waiving/relaxation of RPO .

For the Petitioner: Shri. Bibhu Charan Swain , the authorised representative of M/s Tata Spong Iron Ltd. Shri Pratyusha Kumar Nanda, Dy. Manager (Elect.), M/s Tata Spong Iron Ltd.

For the Respondents: Shri Ranjit Das, Sr. GM (PP), GRIDCO,

Shri Mahinath beuria, the representative of M/s OREDA

Date of hearing: 30.04.2012

Date of Order: 17.05.2012

ORDER

The case is taken up today on question of admission and hearing. The written submission filed by OREDA is taken on record.

2. Heard the parties at length.
3. The authorised representative of M/s Tata Spong Iron Ltd. stated that the petitioner has installed Co-generation based waste heat recovery based captive generating plant of $1 \times 18.5 + 1 \times 7.5 = 26$ MW capacity in its plant premises. M/s TSIL has consumed 33711300 KWH of energy towards captive use from its Co-generation based CGP. However, it has generated 99382100 KWh of energy from its Co-generation based power plant. It has not consumed any electricity generated from conventional captive generating plant for its captive use. Therefore, the petitioner is not an obligated entity as per Regulation. 2 (h) of OERC (Renewable and Co-generation Purchase Obligation and its Compliance) Regulations, 2010. Therefore, he prayed the Commission to waive/relax the Renewable Purchase Obligation under the provision of Regulation, 10 of OERC (Renewable and Co-generation Purchase Obligation and its Compliance) Regulations, 2010 as the petitioner's unit is not obliged to procure any Solar, non solar and Co-generation energy in view of that it has consumed power generated only from Co-generation based power plant & not from any conventional power plant.
4. The representative of OREDA present in the hearing stated that the Commission vide its Order dated 13.02.2012 in Suo Motu proceeding Case No. 111 of 2011 has already clarified the issues in the matter of Co-generation. Paras 22, 23 and 24 of the said order of the Commission make it clear that consuming electricity only from CO-generation sources shall not relieve any obligated entity from its responsibility of meeting its solar and non-solar renewable purchase obligation. So he prayed the Commission to dispose this matter in the light of the order passed in Suo Motu proceeding Case No. 111/2011 and also Order passed in Case Nos. 103 & 105 of 2011. The said OERC (Renewable and Co-generation Purchase Obligation and its Compliance) Regulations, 2010 has been also challenged before the Hon'ble High Court of Odisha in W.P.(C). No. 5243 of 2012 filed by one M/s Hindalco Industries Ltd. and the Hon'ble Court has stayed the said RPO Regulations, 2010 of the Commission vide its interim Order dated 12.04.2012 passed in Misc. Case No. 4517 of 2012.
5. After hearing of the parties and perusal of the case records, it is held that the contention of the petitioner in this case is the subject matter of the Notification of the Commission passed in Suo Motu proceeding Case No. 111/2011 regarding the OERC (Renewable and Co-generation Purchase Obligation and its Compliance) Regulations, 2010, wherein it has been amply clarified that the obligated entity shall independently meets its obligation

for solar, non-Solar renewable power and Co-generation obligation. As per the regulation, M/s.Tata Sponge have met its cogeneration obligation, but it does not relieve its responsibility of Solar and non- Solar renewable purchase obligation. We understand, OERC Regulation has been challenged before the Hon'ble High Court of Odisha in W.P.(C). No. 5243 of 2012 and the Hon'ble Court has been pleased to stay the proceeding of the said Regulation under challenge vide its interim Order dated 12.04.2012 in Misc. Case No. 4517 of 2012, wherein the Commission has been impleaded as Opp. Party NO.1. The judgement of the Hon'ble High Court in the above writ petition is the subject matter of this case filed by M/s Tata Sponge Iron Ltd. Similarly, in Appeal No.54 of 2012 preferred by M/s. Emami Paper Mills Ltd. the Hon'ble ATE has stayed the application of the order dated 13.02. 2012 passed in Suo Motu proceeding Case No.111 of 2011 relating to OERC (Renewable and Co-generation Purchase Obligation and its Compliance) Regulations, 2010. Therefore, it not possible to proceed with the present case and we shall hear the case afresh on the application of the petitioner if his grievance survives after the disposal of the above W.P.(C).No. 5243 of 2012 by the Hon'ble High Court of Odisha and also the Appeal No.54 of 2012 by the Hon'ble ATE, New Delhi.

6. With the above observations, the case is disposed of accordingly.

Sd/-
(S.P.Swain)
Member

Sd/-
(B.K.Misra)
Member

Sd/-
(S. P. Nanda)
Chairperson