

ODISHA ELECTRICITY REGULATORY COMMISSION

Bidyut Niyamak Bhavan, Plot No.4, Chunokoli, Sailashree Vihar, Bhubaneswar- 751 021

TEL. No. 2721048/2721049, FAX : 2721053/2721057

e-mail : orierc@rediffmail.com, Website : orierc.org

Present : **Shri S. P. Nanda, Chairperson**
 Shri S. P. Swain, Member
 Shri A. K. Das, Member

Case No. 28/2012

M/s. NALCO	Petitioner
Vrs.		
OREDA & GRIDCO Ltd.	Respondents

In the matter of: **An application u/Ss. 2 (12) & 86 (1) (e) of the Electricity Act, 2003 read with Regulations 2 (h), 7 (2) & 10 of OERC (Renewable & Co-generation Purchase Obligation & its Compliance) Regulations, 2010.**

ORDER

Date:30.07.2016

M/s. NALCO has filed the above noted case u/S. 2 (12) and 86 (1) (e) of the Electricity Act, 2003 read with Regulation 2 (h) 7 (2) & 10 of the OERC (Renewable & Co-generation Purchase Obligation and its Compliance) Regulations, 2010 for waiver of RPO for the energy consumed by the applicant produced from its Co-generation power plant.

2. During pendency of the case with the Commission, M/s. Hindalco Industries Limited has filed a writ petition bearing W.P.(C). No. 5243 of 2012 challenging the RPO Regulations, 2010 notification dated 30.09.2010 & the order of the Commission relating to the said notification in Case No. 59/2010 before the Hon'ble High Court of Orissa. The Hon'ble Court vide their interim order dated 12.04.2012 has stayed the proceeding till next date.
3. During pendency of the writ petition filed by M/s. Hindalco Industries Limited with the Hon'ble High Court there are four other power intensive industries have filed writ petitions challenging the said RPO Regulation, 2010 and notification dated 30.09.2010 of the Commission and also obtained interim stay of operation of the said notification dated 30.09.2010 from the Hon'ble High Court in W.P.(C). No. 5515 of 2013 (M/s. Vedanta Aluminium Ltd.), W.P.(C). No. 3824 of 2015 (M/s. IMFA) and in similar matter the order dated 07.08.2015 passed by the Commission in Case No. 59/2014 is challenged by M/s. Action Ispat & Power Ltd. in W.P.(C). No. 16467 of 2015 and M/s. Tata Sponge Iron Ltd. in W.P.(C). No. 20391 of 2015 have been also

stayed by the Hon'ble High Court. The aforesaid writ petitions are pending with the Hon'ble High Court for adjudication till date.

4. As the matter is pending since 4 years with the Commission, a letter was issued on 30.05.2016 to the petitioner and the respondents in this case for filing of present status of the writ petitions pending before the Hon'ble High Court of Orissa. In reply the petitioner has only submitted its reply as stated in Para-3 above.
5. Basing on the case records and the status report submitted by the petitioner through affidavit, we opine that as the matter regarding the Renewable Purchase Obligation Notification dated 30.09.2010 passed in Case No. 59/2010 and order dated 07.08.2015 of the Commission passed in Case No. 59/2014 on the similar matter have been stalled by the Hon'ble High Court of Orissa vide their interim orders passed on different dates in the above noted writ petitions which are paid for adjudication and the final outcome of the above writ petitions by the Hon'ble High Court will be applicable to the parties herein. Therefore, there is no need to keep abeyance the case with us and accordingly the case is dropped.

Sd/-
(A. K. Das)
Member

Sd/-
(S. P. Swain)
Member

Sd/-
(S. P. Nanda)
Chairperson