

ODISHA ELECTRICITY REGULATORY COMMISSION
PLOT NO. 4, CHUNUKOLI, SAILESHREE VIHAR,
CHANDRASEKHARPUR,
BHUBANESWAR-751023

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

Case No.31 of 2012

M/s. OCL India Ltd.Petitioner
Vrs.
OREDARespondent

In the matter of: An Application under Regulations 10 & 12 of the OREC (Renewable and Co-generation Purchase Obligation and its Compliance) Regulations, 2010.

AND

Case No.32 of 2012

M/s. CCPPOPetitioner
Vrs.
OREDA & anotherRespondents

In the matter of: An Application under Section 2 (12) & 86 (1) (e) of the Electricity Act, 2003 read with Regulations, 2 (h), 7 (2), 10 of OREC (Renewable and Co-generation Purchase Obligation and its Compliance) Regulations, 2010.

AND

Case No.36 of 2012

M/s. Jindal Stainless LimitedPetitioner
Vrs.
OREDA & anotherRespondents

In the matter of: An Application under Section 2 (12) & 86 (1) (e) of the Electricity Act, 2003 read with Regulations, 2 (h), 7 (2), 10 of OREC (Renewable and Co-generation Purchase Obligation and its Compliance) Regulations, 2010.

AND

Case No.40 of 2012

M/s. Visa Steel LimitedPetitioner
Vrs.
OREDA & anotherRespondents

In the matter of: An Application under Section 94 (1) (f) of the Electricity Act, 2003 read with Regulation 70 of the OERC (Conduct of Business) Regulations, 2004 for review of order dated 14.03.2012 passed in Case No. 105/2011 regarding waiver of RPO of its unit under Section 2 (12) & 86 (1) (e) of the Electricity Act, 2003 read with Regulations, 2 (h), 7 (2), 10 of OREC (Renewable and Co-generation Purchase Obligation and its Compliance) Regulations, 2010.

ORDER

Date of Hearing: 02.06.2015

Date of Order: 18.06.2016

- The Petitioners in the above noted cases have filed their applications under S.86(1)(e) of the Electricity Act, 2003 read with Regulation 7(2), 10 & 12 of the OERC (Renewable & Co-generation Purchase Obligation and its Compliance) Regulations, 2010 with the prayer for exemption of their obligations for purchase of solar REC for FY 2011-12 in view of non-availability of the same in energy exchange and also for carrying forward the excess investment in non-Solar REC Purchased during FY 2011-12 to the next FY 2012-13 and also for waiver of Renewable Purchase Obligation of the Co-generation power plants.
2. The Commission had heard the matters analogously on 02.06.2015 and observed that the issues raised in the hearing are similar in nature with the issues to be adjudicated in Case No. 59/2014 which relates to implementation of OERC (Renewable & Co-generation Purchase Obligation and its Compliance) Regulations, 2010. However, while concluding the hearing the Commission in their order dated 03.06.2015 directed the parties in the above noted cases to file their written note of submission, if any within seven days. The intervention application M/s. Green Energy Association could not be considered since hearing was already concluded. In the meantime, the Commission have disposed of the Case No. 59/2014 on 07.08.2015 addressing all the issues therein which are also similar to the present case.
 3. However, the order of the Commission in Case No. 59/2014 has been challenged by different obligated entities namely M/s. Hindalco Industries, M/s. Vedanta Aluminium Ltd., M/s. IMFA Ltd, M/s. Action Ispat & Power Ltd., M/s. Tata Sponge Iron Ltd., M/s. Bhusan Power & Steel Ltd. and M/s. Patnaik Steel & Alloys Ltd. in WP(C) Nos. 5243 of 2012, 5515 of 2013, 3824 of 2015, 16467 of 2015, 20391 of 2015, 1537 of 2016 and 4848 of 2016 respectively in Hon'ble High Court of Orissa. The issues raised before the Hon'ble High Court are also similar in nature to the present case.
 4. Therefore, there is no need to keep the present proceeding pending before the Commission any more. The decision of Hon'ble High Court of Orissa in above noted cases shall be applicable mutatis mutandis in the present cases also.
 5. With the above direction the cases are disposed of.

Sd/-
(A. K. Das)

Sd/-
(S. P. Swain)

Sd/-
(S. P. Nanda)

Member

Member

Chairperson