

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

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

Case No. 14/2013

OPTCL Petitioner

Vrs.

GRIDCO & Another Respondents

In the matter of: An application for approval of Unitary charges for initiating the tariff based competitive bidding process for the selection of Transmission Service Provider (TSP) for the development of transmission system in the state through Public Private Partnership (PPP) on Design, Build, Finance, Operate and Transfer (DBFOT) basis.

Case No. 96/2013

OPTCL Petitioner

Vrs.

GRIDCO & Another Respondents

In the matter of: An application for approval of Unitary Charges and Bidding documents in respect of Package-B Projects for initiating the tariff based competitive bidding for the selection of Transmission Service Provider (TSP) for the development of transmission system in the State through Public Private Partnership (PPP) on Design, Build, Finance, Operate and Transfer (DBFOT) basis.

For Petitioner: Shri Bibhu Prasad Mahapatra, Dir. (Fin.) OPTCL
 Shri B.P.Mishra, CGM (RT&C), OPTCL (in both the cases)

For Respondent: Ms. Niharika Pattnaik, ALO, DoE, GoO,
 No body is present on behalf of GRIDCO in both the cases.

ORDER

Date of Hearing: 09.09.2014

Date of Order: 16.09.2014

The two cases i.e. Case No. 14/2013 and 96/2013 were taken up for analogous hearing since the subject matter is similar in nature. The Petitioner in both the cases has requested the Commission to approve the base unitary charges as per Planning Commission guideline for different projects in two packages. As per Planning Commission guideline once the base unitary charges is approved by the Commission then OPTCL would go for competitive bidding of the two project packages. Once the bidder is fixed, Govt. of India would provide viability gap funding (VGF) to the project. In our interim order 03.12.2013 we have made certain queries inter alia regarding suitability of executing the project through VGF over tariff based competitive bidding etc. The OPTCL has made written submission on our queries.

2. Heard the parties at length. From the written and oral submission of OPTCL we find that OPTCL is not clear about the methodology of computing the base unitary charges. Moreover, OPTCL could not explain to our satisfaction the superiority of the proposed model of investment over the present mode of investment in new projects. OPTCL also could not explain to us whether the proposed unitary charge has any impact over the present transmission tariff of the said utility.
3. During the hearing the Commission wanted to know how OERC which derives its jurisdiction from the Electricity Act, 2003 and Rules and Regulations framed therein, has jurisdiction to hear and decide the matter relating to fixing up unitary charges. It was pointed out to the applicant that guidelines of Planning Commission cannot confer jurisdiction on the OERC. Director (Finance), OPTCL prayed for time to clarify this matter.
4. It was also submitted by the applicant that the present guidelines of the Planning Commission have undergone a lot of modification and the matter is under examination by OPTCL which may file an amended petition.
5. In consideration of the matter that there is no clarity regarding jurisdiction of OERC, no finality about Planning Commission guidelines, the present petition is dismissed. However, the petitioner is at liberty to file a fresh petition clarifying the points mentioned above for approval of the Commission.
6. Accordingly, both the cases are disposed of.

Sd/-
(A .K. Das)
Member

Sd/-
(S. P. Swain)
Member

Sd/-
(S. P. Nanda)
Chairperson