

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

Case No. 74/2013

M/s Ujaas Energy Ltd. **Petitioner**

- Vrs. -

GRIDCO & others **Respondents**

IN THE MATTER OF :An Application under S.86(1)(e) of the Electricity Act, 2003 read with Regulations 7 (1), (2) & 9 of the OERC (Renewable and Co-generation Purchase Obligation and its Compliance) Regulations, 2010 for non-compliance of RPO by the obligated entities for FY 2011-12 to 2012-13.

For the petitioner: Shri Ashu Gupta, Vice President,(corporate), Ujaas Energy Ltd.

For the respondent: Shri P K Pradhan, Director (Commerce), GRIDCO
Shri P K Mohanty, President, CCPPO,
Shri Sidharta Kumar Panda, Secretary, CCPPO,
Shri A K Parida, Joint Secretary, CCPPO,
Shri Niladri Khadanga, DM (RA), CSO-WESCO, NESCO & SOUTHCO,
Shri A K Choudhury, Deputy Director (P), OREDA

Order

Date of hearing:-12.11.2013

Date of order:13.11.2013

Shri Ashu Gupta, Vice President,(corporate),M/s. Ujaas Energy Ltd. submitted that M/s Ujaas Energy Ltd. is a company presently engaged in generation of electricity through non-conventional sources under REC Mechanism. They expressed concern for non-compliance of Renewable Purchase Obligation (RPO) by various obligated entities of the state as per OERC (Renewable and Co-

generation Purchase Obligation and its Compliance) Regulations, 2010. They further pointed out that there is a default of around 44.41 MU in solar RPO only which may rise to 79 MU by the end of FY 2013-14. The obligated entities are not showing any interest to buy REC despite the availability of Solar REC in Indian Energy exchanges since May, 2012. He prayed before the Commission to implement the RCPO Regulation and impose penalty for non-compliance RPO by the obligated entities.

2. We agree with the concern of the petitioner. We, however, note that the Solar Energy Generator Association and Wind Power Generator Association have filed the petition at M/s. ATE on similar ground making all SERCs, JERC, including OERC as respondents. We, therefore, feel the present petition filed by the applicant is in the form of forum shopping. OERC has intimated to both the Association that it is being difficult on the part of the Commission to implement the above Regulation in view of the judgment of Hon'ble ATE in Appeal Nos. 54/2012 (M/s. Emami Vrs. OERC & Others) & 59/2012 (M/s. Vedanta Vrs. OERC & Others). It is therefore in the petitioner's interest to take up the matter appropriately at a higher forum. The Commission has gone on appeal to Hon'ble Supreme Court against the order of the Hon'ble Tribunal vide Civil Appeal No. 5466 & 5467 of 2013 (OERC Vrs. GRIDCO & Others & OERC Vrs. M/s. Vedant Aluminium Ltd. & Others). Hon'ble Apex Court has impleaded Ministry of New and Renewable Energy, Govt. of India, Govt. of Odisha and GRIDCO in this case. The petitioner is required to wait till the final disposal of the Civil Appeals by the Hon'ble Supreme Court of India.
3. With the above observation the case is disposed of.

Sd/-
S.P.Swain
(Membr)

Sd/-
B.K.Misra
(Member)

