

**ODISHA ELECTRICITY REGULATORY COMMISSION  
BIDYUT NIYAMAK BHAWAN  
PLOT NO.-4, CHUNOKOLI, SHAILASHREE VIHAR  
BHUBANESWAR - 751 021**

\*\*\*\*\*

**Present:      Shri U. N. Behera, Chairperson  
                 Shri A. K. Das, Member  
                 Shri S. K. Parhi, Member**

**Case No. 90/2013**

<b>M/s. Narbheram Power and Steel Pvt. Ltd.</b>	.....	<b>Petitioner</b>
<b>Vrs.</b>		
<b>GRIDCO &amp; Others</b>	.....	<b>Respondents</b>

**In the matter of:**      **An application u/S. 86 (1) (f) of the Electricity Act, 2003 regarding metering of surplus power from the captive generating plant and non-payment of dues by GRIDCO from June, 2008 to March, 2010 and also seeking direction of the Commission to GRIDCO for immediate payment of the dues towards energy exported for the above period along with late payment surcharge.**

**For Petitioner:**      Nobody is present on behalf of M/s. Narbheram Power & Steel (P) Limited.

**For Respondent:**      Shri Ashok Kumar Samantaray, GM (PP), GRIDCO Ltd., Shri S. K. Puri, GM (Elect.), OPTCL and Shri Chhitaranjan Swain, DGM (Comm.), CESU.

**ORDER**

**Date of hearing: 08.08.2017**

**Date of order: 05.09.2017**

1. In its present application, the petitioner M/s. Narbheram Power & Steel Pvt. Ltd. had submitted that it has a small iron and steel complex at Gundichapara, Dist: Dhenkanal having a CGP of 8 MW capacity and was drawing power from nearby OPTCL sub-station through a dedicated 33 KV line for construction and initial operation. The billing was being made by CESU by installing meters for such drawal.
2. When the matter stood thus, a PPA was signed with GRIDCO on 18.01.2008 for supply of its surplus power from the CGP. As per the instruction of OPTCL, the petitioner had deposited an amount of Rs.3.9 lakh with OPTCL on 15.05.2008 for installation of a set of main and check energy meters at the interconnection point. Due to non-availability of ABT compliant 0.2 accuracy class main and check meters, GRIDCO had intimated CESU that till installation of ABT complaint meters by OPTCL, the meter installed by CESU for import of power will be treated for metering of export of power for billing purpose. Accordingly, GRIDCO paid the bills raised by the petitioner for the period from January, 2008 to May, 2008 amounting to Rs.55.3 lakhs basing on the dump data of the meter installed by CESU.

However, ABT compliant meter was commissioned on 29.03.2010 after frequent persuasion of the Petitioner to OPTCL. Billing by the Petitioner basing on the same meter have been continuing since 09.04.2010. Therefore, there is no dispute between GRIDCO and the Petitioner on the readings of the meter after this date.

3. In its application the petitioner has submitted that despite repeated request from the petitioner, GRIDCO is not paying their outstanding dues to the tune of Rs.4.61 cr. for the period from June, 2008 to March, 2010 due to non-availability of soft copy of the dump data from CESU when their meter was being utilised for billing to GRIDCO. When CESU was requested to submit the metered data, it stated that during the routine testing of the meter it was noticed that the voltage parameters in export mode are higher than the normal value of 33 KV. Therefore, the corresponding value of load and integrated energy recording are suspected to be abnormal and not correct. It was further intimated by CESU that the meter had already been forwarded to meter manufacturer for detailed analysis. In view of the above the Petitioner has submitted that the Respondent GRIDCO and CESU may be directed to settle the matter.
4. During hearing on 30.09.2014 GRIDCO has submitted that it has constituted a technical committee consisting of representatives from OPTCL, CESU & GRIDCO to investigate the matter and prepare a report suggesting methodology for assessment of energy exported by M/s. Nerbheram Power & Steel Limited for the period from June, 2008 to March, 2010. Then the Commission vide its interim order dated 30.09.2014 directed GRIDCO to include Shri R. P. Mahapatra, an experienced Engineer in the said technical committee as representative of the petitioner.
5. Accordingly, a Technical Committee was constituted and a meeting of technical committee was held on 25.04.2015 where Mr. R P Mohapatra the representative of the Petitioner, did not agree with the figure of energy recorded by CESU through their meter stating it to be erroneous. He insisted that matter should be taken up with supplier of the meter M/s. Secure Meter Ltd. It was decided that CESU would take up the matter with M/s. Secure Meters Pvt. Ltd. to obtain the views on correctness of the exported energy recorded in the meter installed by CESU.
6. The matter was taken up for further hearing on 04.12.2015 and the report of Technical Committee was placed before the Commission. The Commission in their interim order dated 09.12.2015 directed GRIDCO to make payment towards the undisputed amount of energy as agreed between the parties on 12.11.2014 provisionally for supply of power from the unit of the Petitioner to the Grid within 15 days.

7. The matter came up before the Commission for hearing on 06.06.2017. The representative of GRIDCO stated that after verification of meter data which was certified by CESU, the undisputed quantum of energy supplied by the petitioner for the period from February, 2008 to March, 2010 is 13971500 KWh. After due assessment, the cost of power for the above period was Rs.1,54,42,895/- out of which an amount of Rs.56,43,478/- was paid during July, 2008 and the balance amount of Rs.97,99,417/- was paid on 07.10.2016 to the Petitioner. However, during the hearing the representative of the Petitioner stated that he had no instruction from the Petitioner regarding the compliance of GRIDCO on payment of the undisputed amount as per the direction of the Commission and prayed for short adjournment of the hearing. The prayer of the representative of the Petitioner was allowed and the Petitioner was directed to file its rejoinder to the submission of GRIDCO.
8. CESU, the Respondent submitted that as per the decision of the technical committee, CESU submitted the dump data to M/s. Secure Meter Pvt. Ltd to ascertain the correctness of the export energy recorded in the meter installed by CESU. But they are yet to receive any response from them thereon. CESU further submitted they are not supposed to install the import and export meter at the interface point for recording the export of energy by the petitioner from its CGP. It is the responsibility of the petitioner and GRIDCO to install such meters as per their PPA. They should settle their disputes among themselves without asking CESU to determine the quantum of energy exported by the Petitioner. CESU is not liable to pay any amount towards energy injected by the Petitioner to GRIDCO before installation of ABT compliant meters i.e. on 29.03.2010.
9. The matter again came up before the Commission on 08.08.2017. The Petitioner was absent on repeated calls and also no rejoinder to the submission of GRIDCO by the Petitioner had been filed as directed by the Commission on 08.06.2017.
10. In view of the above, it is understood that the Petitioner, having received the amount from GRIDCO is not interested to pursue the matter any further in the Commission and is satisfied with the reply of the Respondent GRIDCO. Therefore, the application of the petitioner is dismissed.
11. Accordingly, the case is disposed of.

Sd/-  
**(S. K. Parhi)**  
**Member**

Sd/-  
**(A. K. Das)**  
**Member**

Sd/-  
**(U. N. Behera)**  
**Chairperson**