

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. 02/2014

M/s Nava Bharat Ventures Ltd.	Petitioner
Vrs.		
GRIDCO Ltd.	Respondent

In the matter of: **An application under S.86(1)(f) of the Electricity Act, 2003 for adjudication of dispute relating outstanding dues of Rs.26,07,84,447/- as on 30.04.2013 which to be paid by GRIDCO Ltd. towards procurement of surplus power from the CGP of the petitioner.**

For Petitioner: Shri P. P. Mohanty, Advocate, Shri A. K. Parida, Chief Resident Manager, NBVL, Shri S. K. Choudhury, NBVL.

For Respondent: Shri L. R. Das, GM, GRIDCO Ltd., Shri T. Pattanaik, GRIDCO Ltd..

ORDER

Date of Hearing: 25.11.2014

Date of Order: 19.12.2014

The Petitioner M/s. Nava Bharat Ventures Limited is a public limited company having a captive power plant of (1X30 MW and 1X64 MW) capacity at Khadagaprasad, Dhenkanal. It had been injecting power to the State Grid when GRIDCO was in the need of surplus power of the CGPs of the State. The Commission in Case No. 86/2011 dated 01.10.2012 had directed GRIDCO for payment of all outstanding dues of all the CGPs upto 31.03.2012 as onetime settlement without delayed payment surcharge and the CGPs were also directed to forego the DPS as onetime settlement. As per order of the Commission, GRIDCO had sent a reconciliation statement for the period March, 2009 to November, 2011 to the Petitioner. But now the Petitioner alleges that the statement received from GRIDCO is calculated without adhering to the orders of the Commission for calculation of payment at incremental rate, rather GRIDCO has unilaterally paid @ Rs.2.75 paise per unit for which there is huge difference of amount towards outstanding dues to be received from GRIDCO. Petitioner further submitted that GRIDCO has calculated the outstanding basing on the LOI which is illegal and violative of the Commission's order.

In the meantime, the Petitioner had gone on appeal to Hon'ble ATE on our order dated 01.10.2012 and Hon'ble Tribunal directed GRIDCO in Appeal No. 256/2012 on 01.10.2014 to make payment of arrears as per our order along with delayed payment surcharge to the appellant.

2. GRIDCO in its reply submitted that they have filed an appeal against the said order of the Hon'ble ATE before Hon'ble Supreme Court on 31.10.2014.
3. Therefore, since Hon'ble Tribunal has already decided the matter and GRIDCO has gone on appeal to Hon'ble Supreme Court there is no need of proceeding in this case in the present form.
4. Accordingly the case is disposed of as dismissed.

Sd/-
(A. K. Das)
Member

Sd/-
(S. P. Swain)
Member

Sd/-
(S. P. Nanda)
Chairperson