

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. 38/2014

WESCO, NESCO & SOUTHCO Utilities	Petitioners
Vrs.		
GRIDCO Limited	Respondent

In the matter of: **An application under Regulations 9 & 10 of the OERC (Terms and Conditions for Determination of Tariff) Regulations, 2004 read with Regulation 75 of the OERC (Conduct of Business) Regulations, 2004 implementation of Order dated 30.03. 2012 of the OERC passed in Case No.107 of 2011 regarding resolution of Rs.400 Crore of NTPC Bond.**

For Petitioner: Shri P. K. Mohanty, GM (F), NESCO Utility,
 Shri K. C. Nanda, DGM (Fin.), WESCO Utility,
 Shri B. N. Mallick, CFO, SOUTHCO Utility.

For Respondent: Shri L. N. Mohapatra, Advocate.
 Shri B. D. Ojha, (GM-Economist), GRIDCO Ltd.
 Shri S. Sahoo, AGM (F), GRIDCO Ltd.

Order

Date of hearing: 22.05.2015

Date of order: 26.05.2015

- The present common petition have been filed by the three Distribution Utilities namely WESCO, NESCO & SOUTHCO invoking the jurisdiction of the Commission under Regulations 9 & 10 of the OERC (Terms and Conditions for Determination of Tariff) Regulations, 2004 read with Regulation 75 of the OERC (Conduct of Business) Regulations, 2004 implementation of Order dated 30.03. 2012 of the OERC passed in Case No.107 of 2011 regarding resolution of Rs.400 Crore of NTPC Bond on the basis of Gazette Notification dated 15.10.2013 of the Govt. of Odisha.
2. The learned counsel appearing on behalf of GRIDCO Ltd. has submitted that the Distribution Utilities have filed the above case for settlement of NTPC Power Bond issue on the basis of Gazette Notification dated 15.10.2013 of the Govt. of Odisha which has no relation to the settlement of Bond issues decided by the Commission in Case No.107 of 2011. The said Notification No.1993 dated 15.10.2013 does not show anything on the settlement of dues of the three distributions licensees towards NTPC Bonds. The balance

amount of the said Bond now stands at Rs.265.67 cr inclusive of interest of approximately Rs.70.31 cr. @ 8.50% up to 31.05.2015 basing on the audit reports. The then RIL Managed distribution Companies were to make payment of Rs.50.00 cr by 31.03.2012 and Rs.50 crs. by 30.04.2012. The balance amount of Rs.208.05 cr was to be paid on or before 31.03.2013 with a stipulation that from May, 2012, the monthly payment should not be less than Rs. 10 Cr. for three DISCOMs utilities taken together. But the DISCOMs utilities have failed to settle the bond dues which stands at Rs.265.67 cr. as on 31.05.2015 inclusive of interest. They further submitted that responsibility of collection of arrear dues of Government rests with DISCOMs Utilities. They cannot shift the responsibilities. GRIDCO has already carried out the orders of the Government of Odisha. The accounts of GRIDCO cannot be reopened now. The DISCOMs Utilities after paying a sum of Rs.113.09 crs. have not paid any amount towards balance dues of Rs.195.36 cr. settled by OERC plus interest @ 8.5% per annum on reducing balance. However, WESCO Utility has paid all its dues fully towards NTPC bond. But NESCO and SOUTHCO Utilities have to make payment towards the said Bond dues.

3. The representative appearing on behalf of WESCO, NESCO & SOUTHCO Utilities submitted that WESCO Utility has paid all its outstanding dues relating to the NTPC Bond and only NESCO & SOUTHCO Utilities have outstanding dues. He further submitted that the Govt. Notification No. 1993 dated 15.10.2013 published in the Odisha Gazette has no relation with the settlement of arrear NTPC Bond dues of GRIDCO Ltd. but GoO has decided for clearing the arrear dues of the Govt. department through back to back adjustment with GRIDCO Ltd. The State Govt. vide said Notification has decided for one time settlement of the arrear dues of all the Govt. Departments as on 31.03.2012 and clearance of arrear electricity dues of OLIC for the period from April, 1999 to December, 2002 and also exclusive financial support to mitigate the impact of reduction in RST for FY 2011-12. They further prayed for withdrawal of the present application due to change of administration of DISCOMs Utilities.
4. After hearing the parties and perusal of the case records and considering the prayer for withdrawal of the case by the distribution utilities namely NESCO & SOUTHCO Utilities, we allow withdrawal of the above petition in Case No. 38/2014.
5. The case is dismissed as withdrawn by the petitioners.

Sd/-
(A. K. Das)
Member

Sd/-
(S. P. Swain)
Member

Sd/-
(S. P. Nanda)
Chairperson