

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

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

Case No. 23/ 2015

**M/s. Sonthalia Rice MillPetitioner
Vrs.
E.e. (Elect.), BED, CESURespondents**

In the matter of: An application under S.142 of the Electricity Act, 2003 for non-implementation of order dated 13.11.2013 of the OERC passed in Case No. 35/2013.

For Petitioner: Shri A. K. Sahani, the authorized representative of M/s. Sonthalia Rice Mill

For Respondents: Shri S. C. Dash, Advocate on behalf of the E.E.(Elect.), BED, CESU

ORDER

Date of Hearing: 22.09.2015

Date of Order:12.11.2015

The Petitioner is a large industrial consumer of CESU and is availing power supply at 11 KV. When the Petitioner faced lots of interruption and low voltage in power supply it had moved GRF, Bhubaneswar. The said Forum in complaint Case No. 62/2011 directed the Respondent CESU to take necessary steps under Capex Programme. Being aggrieved by the order of GRF, CESU filed a writ petition before Hon'ble High Court of Orissa in WP(C) No. 29352/2011 wherein the Hon'ble Court upheld the order of the GRF and directed the Respondent CESU to execute diversion of the 11 KV feeder within 90 days so as to maintain standard of voltage and uninterrupted power supply to the Petitioner. When the order of Hon'ble High Court was not implemented the Petitioner came before us under Section 142 of the Act in Case No. 75/2012. The Commission in their order dated 21.01.2013 directed as follows:

“ However, the respondent is directed to execute diversion of existing 11 KV feeder supply to the consumer as per order of the Hon'ble High Court to expedite the construction work relating to the diversion of 11 KV feeder and erection of 33/11 KV S/S at Baliana. Within a period of one month with intimation to this office and the other parts of the said orders of the GRF, Bhubaneswar is applicable to both the parties as per the order passed in the above writ petition by the Hon'ble High Court.”

2. However, CESU did not implement the above order of the Commission. The Petitioner again moved the Commission under Section 142 of the Electricity Act, 2003 and the Commission in their order in Case No. 35/2013 directed as follows:

“After perusal of the report submitted by the Fact Finding Team at length we direct the respondent CESU to implement the suggestion of the Fact Finding Team at para 4 (a) and (b) above as a short term measure within two months and simultaneously expedite the completion of 33/11 KV substation at Bhingarpur under Capex Plan. It appears that none of the technical staff of the utility has applied his mind to find out a solution to the problem rather have been sitting pretty over it. We note with anguish that had the CESU been little bit sensitive to the cause of the petitioner it would have redressed the grievance of the consumer on its own without entering into litigation. If due to any reason CESU is unable to complete this work within two months they may seek extension of time from the Commission citing its justification.”

3. In compliance to the above direction the Respondent DISCOM diverted the power supply to the petitioner's unit from Phulnakhara 33/11 KV Substation-II to Naharakanta, 33/11 KV substation from 29.11.2014. Thereafter, the respondent again diverted the power supply to the old feeder i.e. Phulnakhara 33/11 KV S/s in the month of March, 2015. The voltage on 11 KV supplied to the unit of the petitioner is 6 KV to 7 KV since it is getting the power supply from a substation at Phulnakhara which is 15 Kms. away from the Petitioner's unit. When the Petitioner asked for dump report of its power supply after depositing necessary fees CESU authorities failed to supply the same.
4. The Respondent CESU submitted that as per the Order of the Commission in Case No. 35/2013 they have taken steps for the completion of 33/11 KV substation at Bhingarpur under Capex plan. The construction of a new 1 km. long 11 KV line to link 33/11 KV Bhingarpur structure with Baliana feeder (Naharakanta 33/11 KV substation) has been completed. The augmentation of 34/55 mm² conductor to 100 mm² AAA conductor in Baliana feeder has been completed. A new 3.15 MVA power transformer at 33/11 KV Naharakanta structure has been installed. Therefore, the CESU has done all the works by incurring huge expenditure to the tune of Rs.1,27,27,296/- for the benefit of the consumer- Petitioner who is to bear the said expenditure as the power supply scheme is non-remunerative one. The allegation of the Petitioner regarding low voltage during the fault occurrence period is not within the control of the Respondent.
5. The Respondent further submitted that when 11 KV Baliana feeder comes under breakdown, the Petitioner's unit along with other consumers is fed from 11 KV Bhingarpur feeder. Though the Petitioner is at present availing power from Naharakanta

33/11 KV substation through a higher capacity transformer, it crosses the limit of the load current at times during summer season peak load conditions. At times during summer season peak load conditions. At that time the power supply of Petitioner's unit is diverted to 33/11 KV Phulnakhara substation. After normalisation of the load, the power supply is again restored from Naharakanta 33/11 KV substation. The respondent has already taken steps for up-gradation of power transformer i.e. 5 MVA to 8 MVA for improvement of voltage problem of that area of supply. The Bhingarpur 33/11 KV S/s work is going on under ODSSP Scheme as per direction of the Commission and expected to be completed within February, 2016. After completion of the above project, the petitioner's unit can be able to get un-interrupted power supply with stable voltage as the distance between the 33/11 KV feeder at Bhingarpur and the unit of the petitioner is within 3 km.

6. After hearing the parties and perusal of case record the Commission expresses its displeasure on CESU for not completing the works relating to stable power supply to the Petitioner's unit in time. Now, the Respondent has committed to complete the work within February, 2016 under ODSSP scheme. If there is any delay in completion of the work further, the concerned Executive Engineer, BED shall be held responsible. In view of this there is no need to continue with present proceeding under Section 142 of the Act.
7. Accordingly, the proceeding is dropped.

Sd/-
(A. K. Das)
Member

Sd/-
(S. P. Swain)
Member

Sd/-
(S. P. Nanda)
Chairperson