

ODISHA ELECTRICITY REGULATORY COMMISSION
PLOT NO. 4, CHUNUKOLI, SHAILASHREE VIHAR,
CHANDRASEKHARPUR,
BHUBANESWAR-751021

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

Case No. 16/2016

M/s. GRIDCO Ltd	Petitioner
Vrs.		
M/s. MSW Bhubaneswar Ltd. & Others	Respondents

In the matter of: **An application under S.86 of the Electricity Act, 2003 read with S.21 of the OER Act, 1995 and other enabling provisions for seeking approval of PPA for procurement of power from 11.5MW of MSW Bhubaneswar processing Unit Waste to Energy power project at Bhuasuni, Bhubaneswar.**

For Petitioner: Shri U. N. Mishra, CGM (PP), GRIDCO Ltd., Shri L. R. Dash, GM, GRIDCO Ltd.,

For Respondents: Shri Shantanu Nanda, Advocate on behalf of M/s MSW Bhubaneswar Ltd., Shri Chittaranjan Swain, DGM (Com.), CESU and Ms. Niharika Pattanayak, ALO, DoE, GoO are present.

Nobody present on behalf of SOUTHCO, NESCO & WESCO Utilities.

ORDER

Hearing Date: 31.05.2016

Date of Order: 19.07.2016

The present Petition has been filed by M/s. GRIDCO Limited for approval of the Power Purchase Agreement (PPA) executed with M/s. MSW Bhubaneswar Ltd. for procurement of power from the proposed 11.5 MW Municipal Solid Waste based power project of M/s. MSW Bhubaneswar at Bhuasuni in the village of Daruthenga, Bhubaneswar towards fulfilling the renewable purchase obligation of GRIDCO Ltd.

2. GRIDCO Ltd. has submitted that as per order dated 29.01.2016 of the Commission in Case No. 82/2014, GRIDCO has executed PPA with M/s. MSW Bhubaneswar Ltd. (MBL) on 22.02.2016 to procure the entire power generated from the 11.5 MW MSW waste to energy power project developed by it. After change of the company name from Essel Bhubaneswar MSW Ltd. to M/s. MSW Bhubaneswar Ltd. as per the "Certificate & Incorporation" issued by the Registrar of Companies, Ministry of

Corporate Affairs, GoI, the developer has signed Land Licence Agreement with BMC and CMC on 05.12.2015 and 25.01.2016 respectively.

3. GRIDCO Ltd. further submitted that there are three disputed points in the draft PPA i.e. on “Entitlement of Power” in Clause 2.2, ‘Tariff’ in Clause 6.0 and Settlement of Disputes in Clause 10.0. The Commission vide its order dated 29.01.2016 in Case No. 82/2014 have decided the same and they have been incorporated in the present PPA executed between M/s. MSW Bhubaneswar & GRIDCO Ltd. The provisional tariff of Rs.6.70 per unit as determined by the OERC upto CoD has also been incorporated. The term of Agreement executed between them shall be upto the Concession period or 20 years from the CoD of the project whichever is earlier and also the same may be extended beyond on mutually agreed terms and conditions.
4. The Commission heard the matter at length and passed interim order on 03.06.2016 wherein M/s. MSW Bhubaneswar was directed to sit with Director (Tariff), OERC along with GRIDCO Ltd. to resolve their issue, if any, in the PPA as executed between them. The representative of M/s. MSW Bhubaneswar has stated that they have no dispute in the signed PPA executed with GRIDCO Ltd.
5. The PPA is scrutinized and it is observed that it is as per the observations of the Commission’s order dated 29.01.2016 passed in Case No. 82/2014 and both have agreed with the terms and conditions of the present PPA as executed between them.
6. Accordingly, the Commission approve the said PPA which was signed between GRIDCO Ltd. and M/s. MSW Bhubaneswar on 22.02.2016 for procurement of power from the 11.5 MW MSW waste to energy power plant to be set up at Bhuasuni, Bhubaneswar. Registry is directed to send a copy of the approved PPA to the parties.
7. With the above observation, the case is disposed of.

Sd/-
(A. K. Das)
Member

Sd/-
(S. P. Swain)
Member

Sd/-
(S. P. Nanda)
Chairperson