

**ODISHA ELECTRICITY REGULATORY COMMISSION**  
**BIDYUT NIYAMAK BHAWAN**  
**PLOT NO.-4, CHUNUKOLI, SHAILASHREE VIHAR**  
**BHUBANESWAR - 751 021**  
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**Present:        Shri U. N. Behera, Chairperson**  
**Shri S. K. Parhi, Member**

**Case No. 06/2019**

|               |       |            |
|---------------|-------|------------|
| CESU          | ..... | Petitioner |
| Vrs.          |       |            |
| WESCO Utility | ..... | Respondent |

**In the matter of:**        **An application under S. 142 of the Electricity Act, 2003 for non-implementation of order dated 27.06.2015 of the Commission passed in Case No.70 of 2013.**

**For Petitioner:**        Shri Nabin Kumar Mishra, Manager (Elect.), CESU.

**For Respondent:**        Sri K. C.Nanda, DGM (Fin.), WESCO Utility.

**ORDER**

**Date of hearing: 06.08.2019**

**Date of order:19.08.2019**

CESU has filed this petition under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 27.06.2015 of the Commission passed in Case No. 70 of 2013.

2. The brief fact of the case is that WESCO Utility draws power from the 11KV feeder at Bahalasahi, Bagedia, Brahmanibil under Anugul Electrical Division of the petitioner to provide power to the consumers of WESCO Utility. The bill is being raised by CESU- the petitioner herein to the respondent on the basis of consumption recorded in the meters installed at the above 11KV feeders. Similarly the petitioner is also drawing power from the respondent through meters at 11KV feeder, Kerjeng under AED, Anugul and at 11 KV feeder, Siaria under Talcher Electrical Division, Chainpal. The power drawn by CESU-Petitioner in the above two feeders are to be billed by WESCO Utility to CESU.
3. Due to non-payment of inter transaction bill CESU had filed a case before the OERC vide Case No. 70 of 2013, wherein the Commission vide their order dated 27.06.2015 had directed as follows:-

*“Similarly in the said meeting it was decided that WESCO Utility is to pay Rs. 959.041 Lakh upto March, 2013. However, from April, 2013 onwards WESCO Utility has been*

*paying its dues to CESU towards net power import. WESCO Utility agreed that they would resolve the dispute on net power import amicably between themselves for the transaction after April, 2013.*

*After going through the minutes of the meeting we direct both WESCO Utility and CESU to show the amount payable to CESU upto March, 2013 in their balance sheet. Deficit of fund cannot be taken as a ground for avoiding payment of power purchase dues to CESU. The WESCO Utility have to repay the liability in due course. Regarding power transaction from April, 2013 onwards the net importing utility must pay regularly to the exporting utility.”*

4. The representative of the petitioner-CESU submitted that as per the Commission’s order dated 27.06.2015 passed in Case No. 70/2013, WESCO Utility had to pay Rs.9,59,04,100/- Crore for the period from April, 1999 to March, 2013. But the said bill was raised by CESU without considering HT loss of 8% properly on the recorded power supply. Considering the HT loss of 8%, an additional amount of Rs.6,17,441/- has been claimed on WESCO Utility, total claim being Rs.9,65,21,541/-for the period from April, 1999 to March, 2013. Further, considering the bills on this account for the subsequent period from April, 2013 to March, 2019, the total amount comes to Rs.13,42,96,703/-, out of which WESCO Utility has paid only Rs.13,00,97,000/- as on 31.07.2019 during proceeding of the present case. He prayed the Commission to direct WESCO Utility to pay the balance amount of Rs.41,99,703/- at the earliest.
5. The representative of the respondent-WESCO Utility submitted that the Commission vide its interim order dated 29.07.2019 in the present case have directed WESCO Utility to clear all the dues of CESU by end of the month of July, 2019. Accordingly, WESCO Utility has paid CESU an amount of Rs.13,01,00,000/- consisting of the amount of Rs.9,59,04,100/- for the period from April, 1999 to March, 2013 as per the Commission’s order dated 27.06.2015 passed in Case No. 70/2013 and balance amount of Rs.3,41,95,900/- for the period from April, 2013 to March, 2019, as per the calculation of WESCO Utility. He stated that the payment for the later period i.e. from April, 2013 to March, 2019 may be reconciled by CESU. After reconciliation, WESCO Utility shall pay the balance amount, if it will be due on it. But for the period from April, 1999 to March, 2013, WESCO Utility has already paid the amount as decided vide Commission’s order dated 27.06.2015 passed in Case No. 70/2013. Any additional claim by CESU beyond the decided amount may not be acceptable to WESCO Utility.
6. Heard the parties and their written notes of submission are taken into records. The Commission observed that as per the respondent-WESCO Utility, they have paid an

amount of Rs.13,01,00,000/-, but the petitioner-CESU states that they have received an amount of Rs.13,00,97,000/-. There is a discrepancy of Rs.3,000/- in payment and receipt which may be re-checked by the parties. However, CESU has further claimed that an amount of Rs.41,99,703/- is yet to be paid by WESCO Utility on this account as on 31.03.2019. The Commission directs both the parties to reconcile the account for transaction of power between them during the period from April, 2013 to March, 2019. The Commission further observes that the additional claim of CESU for the prior period i.e. from April, 1999 to March, 2013 is not the subject matter of the present proceeding as it has been settled under our order dated 27.06.2015 in Case No. 70/2013. The Commission advise both the CESU and WESCO Utility to reconcile the dues from FY 2013 to 2019 again and it does not require our interference. Hence, there is no need to proceed further in the present case.

7. Accordingly, the case is disposed of.

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

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