

**ODISHA ELECTRICITY REGULATORY COMMISSION**  
**BIDYUT NIYAMAK BHAWAN**  
**PLOT NO.-4, CHUNUKOLI, SHAILASHREE VIHAR**  
**BHUBANESWAR - 751 021**  
\*\*\*\*\*

**Present: Shri U. N. Behera, Chairperson**  
**Shri S. K. Parhi, Member**

**Case No. 37/2019**

M/s.OPTCL.	.....	Petitioner
Vrs.		
M/s. Neelachal Ispat Nigam Ltd. & Others	.....	Respondents

**In the matter of:**      **Application under Section 86(1)(h) of the Electricity Act, 2003 read with OERC (Conduct of Business) Regulations, 2004 along with Clause 10.9 of the OGC, 2015 & Clause 4 of the Odisha Gazette Notification dated 29.3.2012 (Approved Procedure on Communication and Data Transmission).**

**For Petitioner:**      Shri S. K. Mohanty, GM, OPTCL, Shri B. K. Mallick, OPTCL,  
**For Respondents:**      Shri R. P. Mahapatra, the authorized representative of M/s. NINL, Shri Tapas Pattnaik, DGM (PP), GRIDCO, Shri P. K. Satpathy, GM, SLDC were present. Nobody is present on behalf of HAL, Sunabeda, M/s. Indian Rare Earth Limited, NESCO Utility, SOUTHCO Utility and Member, Secretary, GCC.

**ORDER**

**Date of hearing: 27.08.2019**

**Date of order: 31.10.2019**

M/s. OPTCL, the petitioner in this case has filed this petition under Section 86(1) (h) of the Electricity Act, 2003 read with OERC (Conduct of Business) Regulations, 2004 along with Clause 10.9 of the Odisha Grid Code (OGC) Regulations, 2015 and Clause 4 of the Odisha Gazette Notification on Procedure on communication and Data Transmission dated 29.03.2012. The petitioner has prayed for appropriate direction for compliance of the said procedure on communication and data transmission by the respondents and imposition of penalty or issuance of any other suitable order under the prevailing circumstances. OPTCL submitted that the Commission had approved the procedure for voice communication and data transmission facilities that had been published vide Gazette Notification dated 29.03.2012, which is in conformity with Regulation 10.9 of the OGC Regulations, 2015 of OERC. As per the above Gazette Notification, the procedure is applicable to all Users/ Requesters/ Generators including CGPs intending to connect/already connected with the State Transmission System (STS), whereby the

aforesaid users of STS are mandated to provide data relating to voltage, frequency, line flows, status of breakers and isolator and other parameters as prescribed by SLDC for effective control of STS and integrated operation of power system. The users of STS shall provide necessary RTU at their premises and communication channels/facilities up to 220/132kV S/s of STU (Supervisory control and Data Acquisition System Interface point) as per recommendation of STU.

2. The petitioner submitted that in spite of its repeated correspondences since 2007 for commissioning of SCADA for smooth flow of relevant data/information, M/s NINL, the Respondent No. 1 has not taken any practical steps, rather has been delaying the installation, resorting to various pleas on some ground or other and sometimes remaining indifferent to the urgent calls of OPTCL. The petitioner therefore placed the matter before the Grid Co-ordination Committee (GCC) along with cases of similar defaulting users for a detailed deliberation and resolution of the issues. The matter was discussed in detail during the meeting convened by GCC on 27.11.2014 and 21.02.2017 for removal of difficulties towards implementation of the said procedure, in which M/s. NINL was absent. Subsequently, the matter was discussed in the 14<sup>th</sup> and 15<sup>th</sup> GCC meetings held on 20.12.2017 and 21.12.2018 respectively. GCC asked OPTCL to approach OERC for initiation of appropriate action against defaulting users for violation of the provisions of OGC keeping in view the Gazette Notification dated 29.3. 2012. Therefore, the petitioner has filed this application.
3. The petitioner has submitted a series of correspondences with M/s. NINL and stated that M/s. NINL is not showing any interest in compliance of the provisions of OGC, 2015, in turn deliberately violating the approved procedure, which may be taken cognizance of as offence and penalty be imposed.
4. The petitioner has further submitted that other two users namely M/s. Hindustan Aeronautics Limited and M/s. Indian Rare Earth Ltd. are also defaulters as far as provision of voice and data communication is concerned. These firms have not yet installed the PLCC/SCADA raising different types of issues. Since, it is mandatory for installation of SCADA for receipt of real time data by SLDC for efficient operation of the power system, OPTCL has prayed for imposition of penalty on the defaulting users i.e. M/s. NINL, M/s.HAL, M/s.IRE, the respondents in this case.

5. The respondent, M/s. NINL in its reply submitted that the scheme for communication and data transmission could not be implemented due to the financial crunch in their organization. The firm is now relying on phone and e-mail for communication with SLDC. The data including scheduling is exchanged with SLDC through e-mail and they have not encountered any difficulties in Communication and Data Acquisition. The Respondent further submitted that since OPTCL is the owner of the 220 KV line from old Duburi Grid Sub-station to the premises of NINL and also maintaining it, the cost of replacement of the ground wire by OPGW has to be borne by the petitioner. Further, the Respondent is not in a position to establish the Communication and Data Acquisition system with such a high estimated cost of Rs.19,22,177.50/- due to poor financial condition of their company at present. Additionally the required voice and data communication with SLDC can be established through GPS at a much lower cost without any difficulty. M/s. NINL has prayed to consider the above submissions and allow one year time to establish alternative mode of communication and data transmission with SLDC.
6. OPTCL, in its rejoinder stated that the “financial crunch” as cited by the respondent is not acceptable since the PLCC/SCADA could have been commissioned in their initial operating days, when the financial condition was good. Further, scheduling through phone and e-mail is neither a reliable mode of communication nor a secured one. As per the provisions of OGC, 2015, all CGP’s are required to provide on line data like generation, frequency, voltage, line flows, status of breaker, isolator position and other parameters. Although 220 KV Duburi old-NINL line is under maintenance of OPTCL, subsequent cost for replacement of ground wire by OPGW is not coming under the scope of OPTCL. In the matter of supervision charges, OPTCL is levying charges @22% for the deposit works and @6% for the works under taken by the users. Further, the petitioner submitted that the GPS mode of communication is not reliable for sending secured data on transmission activity required for safe operation of the grid.

However, OPTCL is not having any objection, if M/s. NINL is allowed to temporarily send the reliable data on transmission activity through voice communication by GPS mode till establishment of PLCC/SCADA by them. But, M/s. NINL should furnish an undertaking to that effect.

7. M/s. HAL & M/s.IRE have not submitted their written replies to the petition and no representative from their organizations was present during the process of hearing of the case. GRIDCO, one of the respondents in this case fully agreed and endorsed the views of the OPTCL for suitable direction to the defaulting STS users.
8. After hearing of the parties and perusal of the case records we opine that the Users/ Requesters/Generators including CGPs should be responsible for fast and reliable voice/data communication to SLDC. In this regard we are quoting necessary provision on procedure on communication and data transmission notified on 29.03.2012 by OPTCL as per the approval of OERC.
- “All the users/requesters and generators including CGPs who are connected to or planning to connect to STS shall provide necessary RTU at their premises and communication channel/facilities up to the nearest 220/132KV S/S of STU (SCADA interface point) as per the recommendation of the STU.”***
9. We also refer to clause 6(3) of CEA (Technical Standards for Connectivity to the Grid) Regulation, 2007 which provide as follows:
- “The requester and user shall provide necessary facilities for voice and data communication and transfer of online operational data, such as voltage, frequency, line flows and status of breaker and isolator position and other parameters as prescribed by the appropriate load dispatch centre.”***
10. In view of the above codal provision M/s. NINL is to provide necessary RTU at their premises and communication facilities upto the nearest 220 KV S/S. The respondent M/s. NINL has requested for allowing it one year time to establish the alternative mode of communication and data transmission between the industry and SLDC. As per Regulation 1.8 of OGC Commission is empowered to make certain exemption of codal provision in appropriate case. We allow time upto 30.04.2020 to M/s. NINL to provide necessary infrastructure for establishing communication with SLDC as per OGC.
11. M/s. HAL and M/s. IRE did not respond to the notice in this case. This is a lapse on their part. They are also directed to comply with the OPTCL notification No. 485 dated 29.03.2012 published in the Odisha Gazette by 30.04.2020.
12. With this observation, the case is disposed of.

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

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