

**ODISHA ELECTRICITY REGULATORY COMMISSION**  
**BIDYUT NIYAMAK BHAWAN**  
**PLOT NO. 4, CHUNUKOLI, SAILESHREE VIHAR,**  
**CHANDRASEKHARPUR,**  
**BHUBANESWAR-751021**  
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**Present: Shri U. N. Behera, Chairperson**  
**Shri G. Mohapatra, Member**

**Case No. 81/2021**

TPCODL	.....	Petitioner
Vrs.		
TPWODL & Others	.....	Respondents

**In the matter of:**      **Application under Section 42 of the Electricity Act, 2003 read with OERC (Terms and Conditions of Intra-State Open Access) Regulations, 2020 for withdrawal/ reduction of concessional charges viz (a) Nil Cross Subsidy Surcharge and (b) 20% of the applicable Wheeling and Transmission charges for sourcing Renewable Power on Open Access.**

**And**

**Case No. 84/2021**

TPNODL	.....	Petitioner
Vrs.		
GRIDCO & Others	.....	Respondents

**In the matter of:**      **Application under Section 42 of the Electricity Act, 2003 read with OERC (Terms and Conditions of Intra-State Open Access) Regulations, 2020 for withdrawal/ reduction of concessional charges viz (a) Nil Cross Subsidy Surcharge and (b) 20% of the applicable Wheeling and Transmission charges for sourcing Renewable Power on Open Access.**

**For Petitioners:**      Shri V. Wagle, TPCODL and Ms. Malancha Ghose, AGM(RA), TPNODL

**For Respondents:**      Ms. Sasmita Patjoshi, DGM(PP), GRIDCO Ltd., Shri K.C. Nanda, DGM(Fin.), TPWODL, Shri V. Wagle, TPCODL, Shri Binod Nayak, Asst. GM(Comm.), TPSODL, Ms. Sonali Patnaik, ALO, I/c., DoE, GoO and the representatives of OPTCL and SLDC.

**ORDER**

**Date of Hearing: 23.11.2021**

**Date of Order: 29.11.2021**

The petitioners M/s. TPCODL and TPNODL have come up with applications under Section 42 of the Electricity Act, 2003 read with OERC (Terms and Conditions of Intra-State Open Access) Regulations, 2020 for withdrawal/ reduction of concessional charges

viz (a) Nil Cross Subsidy Surcharge and (b) 20% of the applicable Wheeling and Transmission charges for sourcing Renewable Power through Open Access.

2. Both the cases are clubbed together and taken up for analogous hearing through video conferencing as the matters are similar in nature. During hearing one Shri Bibhu Charan Swain of M/s. Power Tech Consultants who is present in other cases as authorized representative of the stake holders prays the Commission to implead all the stake holders as respondents in the present matter as this is an open access matter which in turn is related to determination of Retail Supply Tariff. Therefore, a public notice is required inviting suggestion and objection from them after which the Commission can hear the matter. He also submits that the date of filing of retail tariff application is very near i.e. 30<sup>th</sup> November of 2021 for FY 2022-23. Therefore, the Commission may direct the DISCOMs to raise the same issue(s) as raised in the present case in their Retail Supply Tariff applications for FY 2022-23 and the present application may be dismissed as infructuous in nature.
3. Heard the parties at length. The Petitioners have come with the present applications for withdrawal/ reduction of concessional charges viz (a) Nil Cross Subsidy Surcharge and (b) 20% of the applicable Wheeling and Transmission charges for sourcing Renewable Power through Open Access. These charges are related to transmission and wheeling charges for the respective years. As a matter of practice the Commission hears from general public both the matters i.e. application for retail supply tariff and charges for open access analogously. These matters for FY 2021-22 have been heard by the Commission through a public hearing. Reopening of this matter in the present form at this juncture is not fair without hearing the stakeholders. The Retail Supply tariff application and open access charges determination application are expected to be filed shortly by 30<sup>th</sup> November, 2021 for FY 2022-23. Therefore, the Commission is not inclined to hear this matter in the present form due to non-joinder of parties.
4. The Petitioners are at liberty to raise this matter in the upcoming tariff hearing which will be a public hearing. Accordingly, the present applications are dismissed.
5. With this observation, the cases are disposed of.

Sd/-  
**(G. Mohapatra)**  
**Member**

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