

ODISHA ELECTRICITY REGULATORY COMMISSION
BUDYUT NIYAMAK BHAWAN
PLOT NO.-4, CHUNOKOLI, SHAILASHREE VIHAR
BHUBANESWAR - 751021

Present: Shri G. Mohapatra, Officiating Chairperson
Shri S. K. Ray Mohapatra, Member

Case No. 25/2022

M/s. GRIDCO Ltd.& all DISCOMs of Odisha	Petitioner
Vrs.		
Department of Energy, Govt. of Odisha	Respondent

In the matter of: **An application for approval of special concessional tariff under Regulation 139 of OERC Distributions (Conditions of Supply) Code, 2019 at Rs.4.75/kVAh instead of Rs.4.30/ kVAh for additional consumption beyond 80% of CD as per BSP order dated 24.03.2022 vide Para 370 and RST order Para (viii) of Annexure B.**

AND

In the matter of: **An application dated 18.05.2022 for amendment of petition dated 05.05.2022 of the joint common petition seeking permission to interested industries (having CGP & CD with DISCOMs) for sale of intermittent surplus power available with GRIDCO at a special concessional tariff of Rs.4.75/kVAh for additional consumption beyond 80% of CD under Regulation 139 of the OERC Distribution (Condition of Supply) Code, 2019.**

For Petitioners: The Managing Director, GRIDCO Ltd., Shri Prasant Kumar Das, CGM (PP), GRIDCO Ltd. along with Shri Lalit Mishra of GRIDCO, Shri K. C. Nanda, GM (Fin.), TPWODL, Shri V. Wagle, TPCODL, Ms. Malancha Ghose, AGM(RA), TPNODL, Shri Binod Nayak, Asst. GM (Comm.), TPSODL.

For Respondent: Ms. Sonali Patnaik, ALO I/C., DoE, GoO are present.

ORDER

Date of Hearing: 18.05.2022

Date of Order: 23.05.2022

This is a joint petition by all the four DISCOMs of the State and GRIDCO. In their common application, they have submitted that GRIDCO is the aggregator of bulk power for all the four DISCOMs. After meeting the requirement of DISCOMs, GRIDCO is having some intermittent surplus power which can only be traded through power exchange. Now all the stake holders have agreed that such intermittent power

can be made available to the existing interested industry having CGP with CD more than 20 MW instead of trading for larger interest and economic development of the State. Since the power market is very volatile now and interested industries are finding it difficult to arrange power from exchange, therefore, the proposed arrangement is necessary for helping out the industries. Accordingly, a special fixed rate of Rs.4.75/ kVAh as agreed to all has been arrived as an interim arrangement till such time surplus power is available on RTC basis on a sustainable manner with GRIDCO, instead of going for bidding process. For sale of such intermittent surplus power, GRIDCO shall get Rs.4.26/ kWh, OPTCL shall get normal transmission charge of Rs.0.28/ kWh and DISCOM shall keep the balance amount as margin out of fixed price of Rs.4.75/ kVAh. The rate of Rs.4.26/kWh payable to GRIDCO has been arrived basing on the marginal cost of surplus power available to GRIDCO after meeting the state demand on merit order despatch basis. The arrangement for sale of such intermittent surplus power under above scheme shall be executed through a Tripartite Agreement (TPA) among GRIDCO, DISCOM and consumer.

2. GRIDCO has further submitted that due to oversight the application was filed with a request to revisit the BST and RST order instead of appropriate provision available for special agreement under Regulation 139 of the OERC Distribution (Conditions of Supply) Code, 2019. Based on the Provision available under Regulation 139 of the OERC Distribution (Conditions of Supply) Code, 2019, GRIDCO during the hearing has prayed the Commission to amend its petition and the Commission has allowed the prayer of GRIDCO in its interim order on dated 18.05.2022. Accordingly, GRIDCO has filed the amended petition on 18.05.2022.
3. GRIDCO has further submitted that the Regulation 139 of the OERC Distribution (Conditions of Supply) Code, 2019 states as follows:

“139. The licensee/supplier may, having regard to the nature of supply and purpose for which supply is required, fix special tariff and conditions of supply for the consumers not covered by the classification enumerated in this Code. For such purpose licensee/supplier may enter into special agreements with the approval of the Commission with suitable modifications in the Standard Agreement Form. The tariff in such cases shall be separately approved by the Commission.”

In view of the above the Commission's prior approval is required to enter into a special agreement with the consumers with a special tariff. It is submitted that under the above arrangement, the BSP order and the RST order pronounced by the

Commission on 26th March, 2022 shall not be inhibited/affected. Further, GRIDCO submits that the revenue loss due to above special arrangement, if any, shall not be claimed in the ARR of the DISCOMs as well as of GRIDCO for the ensuing year. In view of the above, GRIDCO Ltd. and the DISCOMs of Odisha have prayed before the Commission to admit the above amended petition and to consider the proposal for sale of intermittent surplus power with GRIDCO, as an interim arrangement to the interested industries having CGP within the State with CD more than 20 MW at a fixed price of Rs.4.75/ kVAh, till such time surplus power is available on RTC basis on a sustainable manner.

4. The case is taken up for hearing on question of admission as well as on merit through virtual mode of hearing. Heard the parties at length. During hearing, the representatives of the applicants have filed an amended joint petition in the present case. The same is taken on record. The representative of the Department of Energy, Government of Odisha has submitted that they do not have objection to the joint application of GRIDCO Ltd. and the DISCOMs of Odisha filed under the Regulation 139 of the Distribution (Conditions of Supply) Code, 2019 for approval of Special agreement as the said concessional tariff will not have any impact in their ARRs. Considering the joint proposal of four DISCOMs and GRIDCO, the Commission under Regulation 139 of the OERC Distribution (Conditions of Supply) Code, 2019 do accord approval of the interim arrangement agreed between GRIDCO and DISCOMs for sale of surplus power to the interested industries having CGP with CD of more than 20 MW at a fixed price of Rs.4.75/kVAh (beyond 80% LF) through a Tripartite Agreement among GRIDCO, DISCOMs and the Consumer. The sharing of revenue shall be effected as per details stated in Para-1 of this order. However, the monthly bill for operation upto 80% of CD shall be raised as per RST order. The Commission directs that the revenue loss, if any, due to above special arrangement, shall not be passed in the ARR of the DISCOMs as well as of GRIDCO.
5. The case is accordingly disposed of.

Sd/-
(S. K. Ray Mohapatra)
Member

Sd/-
(G. Mohapatra)
Officiating Chairperson