

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

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**Present:       Shri S. C. Mahapatra, Chairperson  
                  Shri G. Mohapatra, Member  
                  Shri S. K. Ray Mohapatra, Member**

**Case No. 14/2023**

M/s. Vedanta Limited ..... Petitioner

Vrs.

GRIDCO & others ..... Respondents

**In the matter of:**     **Application under section 86(1)(f) & (k) of the Electricity Act, 2003 read with the Power Purchase Agreement dated 19.12.2012 seeking direction of the Commission to GRIDCO Ltd. to allow the petitioner to procure additional coal from alternate sources in order to enable to generate and supply state entitlement of power to GRIDCO as per PPA dated 19.12.2012 and in alternative to make payment of capacity charges to the extent of 600 MW irrespective of actual power being supplied to the extent of linkage coal available.**

**For Petitioner:**       **Shri Ninad Nigam, AGM & Shri Biswajit Sahoo, Associate Manager,  
                                  and Shri Mirdul Chakravati, Advocate**

**For Respondents:**   **Shri R. K. Mehta, Sr. Advocate, Ms. Susmita Mohanty, DGM  
(Electrical), GRIDCO Ltd., Sonali Pattnaik, Manger (Legal), DoE,  
GoO and Shri Haripada Mohanty, Advocate on behalf of M/s. MCL.**

**ORDER**

**Date of Hearing: 29.08.2023**

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This matter is taken up today for hearing through hybrid arrangement.

2. The Learned Counsel on behalf of the Petitioner-M/s. Vedanta Ltd. states that the Petitioner cannot generate and supply the quantum of power to GRIDCO as per the PPA due to grade slippage of the existing linkage coal received from MCL under FSA. Therefore, they had filed the instant petition seeking direction of the Commission to allow the Petitioner to procure additional coal from alternate sources in order to enable them to generate and supply State entitlement of power to GRIDCO as per the PPA. Since the Respondent-GRIDCO, vide its letter dated 09.03.2023 and 09.06.2023, has granted its in-principle approval to the

Petitioner to participate in the bidding for e-auction coal by OCPL or MCL for procuring alternative sources coal required beyond the 120% of monthly scheduled quantity of the linkage coal to generate and supply power from the IPP-Unit-II for the period from March-June, 2023 and July-September, 2023 respectively, now the Petitioner prays the Commission to grant permission to withdraw the present petition, with a liberty to file a fresh petition in future, if required.

3. The Learned Counsel on behalf of the Respondent-GRIDCO submits that GRIDCO vide its letter dated 23.03.2023, had accorded in-principle consent to M/s. Vedanta Ltd. to participate in the bidding for e-auction of coal by OCPL or MCL to generate upto the full entitlement of power from IPP-II (600 MW) during the period from March, 2023 to June, 2023, with the condition that the total weighted average cost of power including the auction coal shall not be more than the benchmark cost of State thermal power plant i.e. OPGC Stage-II (the present provisional cost of power of OPGC Stage-II is Rs.3.45/unit approximately). Now, the Petitioner-M/s. Vedanta Ltd. prays the Commission to withdraw the present petition after a period of about five months which they could have done earlier. However, GRIDCO has no objection, if the Petitioner withdraws the present application.
4. The Learned Counsel on behalf of the Respondent-M/s. MCL submits that the grade of coal lifted by M/s. Vedanta Ltd. is sometimes at the lower grade of the range of grades as per FSA dated 27.08.2023 signed between MCL and M/s. Vedanta Ltd. However, MCL vide its Notice dated 28.02.2023 has notified that M/s. Vedanta Ltd. can avail coal supplies beyond the Annual Contracted Quantity (ACQ) and upto 120% of their ACQ. M/s. MCL has submitted a report/reply to the Commission vide its letter dated 28.08.2023.
5. On the query regarding less supply of power by M/s. Vedanta Ltd. during last five months i.e. after the above notification of MCL for drawing more quantum of coal, the Learned Counsel appearing on behalf of M/s. Vedanta Ltd. submits that due to some problem in the Ash Pond, the IPP- Unit-II could not operate continuously.
6. Both the Petitioner-M/s. Vedanta Ltd. and the Respondent-GRIDCO requested the Commission to direct MCL to share a copy of its report/reply dated 28.08.2023 to them and the Commission directs the MCL to share it.
7. Heard the parties. We allow the prayer of the Petitioner to withdraw the present petition as the Respondents have no objection to it. However, we direct the Petitioner-M/s. Vedanta Ltd. to supply State share of power to GRIDCO regularly as per PPA, otherwise it would be viewed seriously.
8. The Petitioner is permitted to withdraw the case and accordingly, the case is dismissed as withdrawn.

Sd/-

**(S.K. Ray Mohapatra)**  
**Member**

Sd/-

**(G. Mohapatra)**  
**Member**

Sd/-

**(S.C. Mahapatra)**  
**Chairperson**