

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

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

Case No. 52/2024

M/s TPNODL	Petitioner
Vrs		
M/s OMC Ltd. & Others	Respondents

In the matter of: **Application for approval of Special Tri-party Agreement executed among TP Northern Odisha Distribution Ltd., M/s OMC Ltd. formerly M/s IDCOL Ferrochrome & Alloys Limited and Odisha State Pollution Control Board (OSPCB) under Regulation 139 of the Odisha Electricity Regulatory Commission Distribution (Conditions of Supply) Code, 2019.**

For Petitioner: Ms. Malancha Ghose, DGM (RA), TPNODL.

For Respondents: Shri Rashmi Ranjan Parida, Unit Head, M/s. OMC Ltd.; and Shri Pramod Kumar Behera, Regional Officer, OSPCB- Kalinganagar.

ORDER

Date of Hearing: 06.08.2024

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1. This Petition has been filed by M/s. TPNODL under Regulation 139 of the Odisha Electricity Regulatory Commission Distribution (Conditions of Supply) Code, 2019 for approval of Special Tri-party Agreement executed among TP Northern Odisha Distribution Ltd., M/s OMC Ltd. (formerly M/s IDCOL Ferrochrome & Alloys Limited) and Odisha State Pollution Control Board (OSPCB). The Petitioner has prayed the Commission to (a) approve present power supply arrangement, metering arrangement and billing modalities for providing power supply to Continuous Ambient Air Quality Monitoring System (CAAQMS) of OSPCB; and (b) approve the Tri-party agreement executed between TPNODL, M/s OMC Ltd & OSPCB.
2. The Petitioner- M/s. TPNODL has submitted the followings:
 - a) M/s OMC Ltd., formerly M/s IDCOL Ferrochrome & Alloys Limited (hereinafter called IDCOL F&A Ltd.), Vyasanagar, Jajpur Road is a consumer of TPNODL and is presently availing power supply at 33 kV for a contract demand of 600 KVA.

- b) The State Pollution Control Board, Odisha (SPCB) has installed a Continuous Ambient Air Quality Monitoring Station (CAAQMS) within the residential colony of IDCOL F&A Ltd. at Jajpur Road under National Clean Air Programme (NCAP). The Regional Officer, Kalinganagar, SPCB vide letter dated 20.01.2023 has applied for power supply to 15 kW load at LT, for operation of CAAQMS to the Executive Engineer, JRED, Jajpur Road, TPNODL. Since, the SPCB has installed its unit within the premises of IDCOL F&A Ltd., therefore, extending supply to the CAAQMS was possible from the network of IDCOL F&A Ltd.
- c) The Regulation 187 of the OERC Distribution (Conditions of Supply) Code, 2019 states that: *“No consumer shall sell or transfer or divert power to any person or premises unless the agreement so provides”*. Further, the Provisions under Regulation 139 enables the licensee to enter into special agreement to fix special conditions of supply as well as tariff for supply of power to any consumer/applicant with due approval of the Commission.
- d) As the installation of CAAQMS is within the premises of an existing consumer (M/s IDCOL F&A Ltd) to which the licensee has already extended power supply at 33 kV, a separate connection in favour of the applicant, SPCB, can only be extended with approval of the Commission.
- e) The installation of the CAAQMS is a requirement under NCAP to widen Ambient Air Quality Monitoring network in populous areas of the State.
- f) Odisha SPCB (OSPCB) had sought willingness of M/s IDCOL F&A Ltd. and M/s IDCOL F&A Ltd. has extended its willingness, vide its letter dated 09.03.2023, for power supply to the CAAQMS of the SPCB with certain conditions like separate power supply from IFCAL colony substation, approval by Electrical Inspector, separate meter reading, security deposit, etc. In the meantime, M/s OMC Ltd. took over the business of M/s IDCOL F&A Ltd.
- g) On receipt of application of power supply to the CAAQMS of OSPCB installed inside the colony of M/s IDCOL F&A Ltd. and terms of consent communicated by M/s IDCOL F&A Ltd., the officers of TPNODL conducted feasibility study, site inspection and prepared the Single Line Diagram (SLD) for the supply arrangement.
- h) It has been mutually agreed among the stakeholders M/s TPNODL, M/s OMC Ltd. & SPCB to extend power supply to the CAAQMS of SPCB installed in the premises of M/s OMC Ltd. with the following arrangement:

- i. Power supply to the 15 kW load of CAAQMS of OSPCB installed inside the premises of M/s OMC shall be provided at 3-phase LT from Colony substation of Ferrochrome Plant, OMC Ltd.
- ii. Metering Arrangement: Distribution Licensee shall provide metering at the receiving end of power supply to CAAQMS of OSPCB. The OMC Ltd. shall allow access to the officials of Distribution Licensee to the metering system of OSPCB for meter reading, meter replacement etc. and facilitating disconnection in case of any default as per the provisions of Supply Code.
- iii. Billing Mechanism: The OSPCB shall be billed based on consumption recorded in the meter installed at the receiving end of CAAQMS of OSPCB and OSPCB shall pay directly to TPNODL the amount billed as per prevailing Retail Supply Tariff Order of the Commission. Corresponding consumption of 15 kW load of OSPCB shall be deducted from the Colony consumption of Ferrochrome Plant, OMC Ltd., for billing to OMC Ltd. as per applicable tariff and for payment to TPNODL.
- iv. Ferrochrome Plant, OMC Ltd. shall not be responsible for any delay in power supply, shutdown, power failure, lightening, thunderstorm, cyclone etc. or any natural calamities.
- v. In case for any reason, electricity supply of Ferrochrome Plant is disconnected by TPNODL, then OSPCB will have no right to avail supply from any other network of TPNODL.
- vi. Ferrochrome Plant, OMC Ltd. shall not extend supply to OSPCB, if TPNODL disconnects power supply to OSPCB for any reason. If Ferrochrome Plant, OMC Ltd. extends supply to OSPCB without consent of TPNODL, such extension shall be treated as unauthorized extension of power supply and TPNODL will take appropriate action as per Section 126 of IE Act, 2003 against OMC.
- vii. This agreement shall be valid for five years and may be extended thereafter on mutual consent if required. For further extension of the agreement beyond five years, one month advance joint intimation will be given by OMC Ltd. and OSPCB to TPNODL.
- viii. The required security deposit for effecting new power supply of 15 kW load to be deposited by OSPCB to TPNODL as per OERC (Conditions of Supply) Code, 2019.

- ix. OSPCB shall peruse and abide by all the provisions of OERC (Conditions of Supply) Code, 2019 and its amendments from time to time, along with the supply and billing modalities approved by OERC.
3. The Respondents- M/s. OMC Ltd. & OSPCB have submitted the followings:
- a) M/s OMC Ltd. is availing power from TPNODL at 33 kV for a contract demand of 600 kVA for their colony under Jajpur Road Electrical Division of TPNODL. Under the NCAP, OSPCB installed a CAAQMS within the residential colony of OMC Ltd. at Jajpur Road. The required power supply for CAAQMS (15 kW) was possible from the existing 750 kVA, 11 kV/0.4kV Transformer supplying power for their colony.
 - b) In view of the above, a special tri-party agreement has been executed between TPNODL, OMC Ltd. & OSPCB under Regulation 139 of the OERC Distribution (Conditions of Supply) Code, 2019 on dated 30th May, 2024 for extending power supply to the CAAQMS of SPCB installed in the premises of OMC Ltd. from the transformer supplying power to OMC Colony at LT.
 - c) M/s OMC Ltd. has prayed before the Commission to approve the special tri-party agreement executed between TPNODL, OMC Ltd & OSPCB and also to approve the agreement to be effective from the date of power supply to the CAAQMS of OSPCB.
4. Heard the Petitioner and Respondent through Hybrid mode and considered their written notes of submissions. The Commission observes that the State Pollution Control Board, Odisha has installed a Continuous Ambient Air Quality Monitoring Station (CAAQMS) within the residential colony of M/s OMC Ltd. under National Clean Air Programme having a load of 15 kW at LT level. Since the CAAQMS of SPCB is installed within the premises of M/s OMC Ltd., therefore, all three parties, i.e., M/s TPNODL, M/s OMC Ltd. & SPCB have entered into a special Tri-party agreement in line with Regulation 139 of the OERC Distribution (Conditions of Supply) Code, 2019 for extending power supply to the CAAQMS of SPCB and the terms and conditions of the Agreement dated 30.05.2024 are elaborated in Para 2(h) above.
5. As per the Regulation 139 & 189 of the OERC Distribution (Conditions of Supply) Code, 2019, special agreement is to be executed between the parties for supply of power to CAAQMS of SPCB and such special agreement is to be approved by the Commission. The relevant provisions of the Code are as under:

“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 57 modifications in the Standard Agreement Form. The tariff in such cases shall be separately approved by the Commission.

187. No consumer shall sell or transfer or divert power to any person or premises unless the agreement so provides.”

6. From the submissions made by the parties, it is understood that M/s OMC Ltd. took over the business of M/s IDCOL F&A Ltd., but it is not clear whether the name of the consumer (M/s IDCOL Ferrochrome & Alloys Limited) having 33 kV supply with CD of 600 KVA has been properly changed in the name of M/s OMC Ltd. in the agreement with the Distribution Licensee- M/s TPNODL and its database. Therefore, considering the provisions of the OERC Distribution (Conditions of Supply) Code, 2019 and after scrutiny of the documents submitted with the Petition, the Commission hereby approves the Tri-party agreement executed on 30.05.2024 between M/s TPNODL, M/s OMC Ltd. & Odisha State Pollution Control Board subject to the condition that the agreement for supply of power from the Distribution Licensee shall be in the name of M/s OMC Ltd. for a Contract Demand of 600 KVA at 33 kV. The power supply arrangement, metering arrangement and billing modalities for providing power supply to CAAQMS of OSPCB shall be as per the provisions of the Tri-party Agreement dated 30.05.2024.
7. With above observations, the Case is disposed of.

Sd/-

(S.K. Ray Mohapatra)
Member

Sd/-

(G. Mohapatra)
Officiating Chairperson