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ODISHA ELECTRICITY REGULATORY COMMISSION

BIDYUT NIYAMAK BHAWAN

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

Case No. 75/2024

M/s. Rungta Mines Ltd., Barbil
Vrs.

..... Petitioner

TPWODL & Others

..... Respondents

In the matter of: **Application for approval of Tripartite Agreement to be executed between M/s. Rungta Mines Ltd., Barbil, M/s.Rungta Mines Ltd. (Kamanda Steel Plant), Kamanda, Koida and TPWODL under Regulation 139 of the OERC Distribution (Conditions of Supply) Code, 2019 for availing power supply to 2 nos. of Residential Colonies and 4 nos. of Iron Ore Blocks of the Petitioner- M/s. Rungta Mines Ltd. Barbil.**

For Petitioner: Shri Ajaya Kumar Mallick, Vice President (Elect.), M/s.Rungta Mines Ltd. Barbil

For Respondents: Shri Hrusikesh Mishra, DGM (Elect.), M/s.Rungta Mines Ltd. (Kamanda Steel Plant), Kamanda, Koida, Shri K.C. Nanda, GM (RA & Strategy), TPWODL, Shri Subhashis Samantaray, DGM (Elect.) along with Ms. Subhashree Das, AGM (Elect.) on behalf of OPTCL and Ms. Sonali Patnaik, Manager (Legal), DoE, Government of Odisha.

ORDER

Date of Hearing: 12.11.2024

Date of Order: 17.12.2024

The Petitioner-M/s. Rungta Mines Limited, Barbilhas filed the present application for approval of the draft Tripartite Agreement to be executed between M/s. Rungta Mines Limited, Barbil; M/s. Rungta Mines Limited (Kamanda Steel Plant), Kamanda, Koida and the Distribution Licensee-TPWODL under Regulation 139 of the OERC Distribution (Conditions of Supply) Code, 2019 for availing power supply through the Switchyard/Sub-station of its Steel Plant at Kamanda, Koida, for use at its two (2)nos. of Residential Colonies and four (4) nos. of Iron Ore Blocks.

2. The Petitioner-M/s. Rungta Mines Limited, Barbil, has prayed before the Commission for approval of the draft TPA along with the proposed metering plan with or without any modification.
3. The matters in brief are as under:

- a) The Petitioner, M/s. Rungta Mines Ltd.,Barbil has an integrated steel plant (namely Kamanda Steel Plant, Kamanda near Koida)and is a consumer of TPWODL having contract demand of 15.5 MVA and availing power through 132 kV dedicated transmission line connected to the 132/33 kV Grid Sub-station of OPTCL at Barbil. The consumer is also having a CGP of 60 MW (3x20 MW) which is synchronized at 33 kV Bus at its 132/33 kV Sub-station.
- b) The Petitioner-M/s. Rungta Mines Limited, Barbil, as part of its expansion plan, is set to commence operation of its 4 nos. of Iron Ore Mines with 2 nos. of Residential Colonies, for which it requires power of around 15 MVA [2 MVA each for 2 nos. of Residential Colonies (Kanter Koira & Kula), 2.5 MVA each for 2 nos. of Iron Ore Blocks (Kedesala and Jumka Patriposhi Pahar) and 3 MVA each for other 2 nos. of Iron Ore Blocks(Purheibahal and Chandiposi)] power in a phased manner at 33 kV level. When the petitioner sought power supply from the Licensee-TPWODL to cater the above energy needs, TPWODL has expressed its difficulties in providing the requested power supply to these load centres due to the unavailability of OPTCL network in the vicinity of these areas. Consequently, the petitioner could not start its operations due to transmission & distribution infrastructure constraints.
- c) In order to fulfil the power requirements for operation of the aforesaid load centres, the Petitioner has requested the Licensee-TPWODL to facilitate a suitable mechanism until an alternate arrangement be made for availing power directly from the grid. According to the proposed arrangements of the Petitioner-M/s. Rungta Mines Limited, Barbil, it will construct necessary network and associated facilities from the Switchyard of its Kamanda Steel Plant near Koida upto the aforesaid load centres under deposit scheme. The required power aforesaid, shall be drawn through the Sub-station/Switchyard of its Kamanda Steel Plant near Koida at 132 kV level and for other locations billing may be done with single point metering arrangement at 33 kV level at Sub-station of Kamanda Steel Plant, wherefrom the distribution line and associated facilities shall be constructed to the individual load centres in the following manner:
- 33 kV S/C line from Kamanda Steel Plant to Kula Colony (4.5 kms.)
 - 33 kV D/C line from Kamanda Steel Plant to Kantherkoira Colony (8.65 kms.)
 - 33 kV S/C line (1stCkt.) on D/C tower from 33 kV Kantherkoira Bus to Chandiposi and Purheibahar Iron Ore Blocks (11 kms.)
 - 33 kV S/C line (2nd Ckt.) on D/C tower from 33 kV Kantherkoira Bus to Jumka Patriposi Pahar and Kedesala Iron Ore Blocks (15.5 kms.)

- d) Since the above arrangement of power supply to the load centres, without being a consumer of DISCOM, is not permissible under Clause 187 and Clause 188 of the OERC Supply Code, 2019, M/s. Rungta Mines Limited, Barbil (the Consumer) and M/s. Rungta Mines Limited, Kamanda Steel Plant, Kamanda, Koida (the Consenting Party) has approached the Licensee-TPWODL to avail power under the above arrangements through a tripartite agreement (TPA) so that the two Residential Colonies and four Iron Ore Block of M/s. Rungta Mines Limited will avail power supply. Under this power supply arrangement, the quantum of power supply shall be measured by suitable metering arrangements for the said load centres at 33 kV level. A set of ABT compliance Main and Check Meter of 0.2 accuracy class shall be installed at the interconnection point of the Consumer as per CEA (Installation and Operation of Meters) Regulations, 2006 as amended from time to time to record consumption of all the load centres. The distribution lines and associated facilities to be constructed upto the aforesaid load centres to avail power supply, shall be treated as Deemed Distribution System as per the provision of Regulation 63 of the OERC Distribution (Conditions of Supply) Code, 2019. Accordingly, a draft TPA has been signed by the concerned parties i.e. M/s. Rungta Mines Limited, Barbil (the Consumer), M/s. Rungta Mines Limited (Kamanda Steel Plant), Kamanda (the Consenting Party) and TPWODL (the Licensee for Distribution and Retail Supply of Electricity) and submitted along with the present petition.
- e) The Petitioner-M/s. Rungta Mines Limited, Barbil, has prayed before the Commission for approval of the draft TPA along with the proposed metering plan with or without any modification, after which final agreement shall be signed for supply of power through the 132/33 kV Sub-station of Kamanda Steel Plant to the two nos. of Residential Colonies and four nos. of Iron Ore Mines as outlined above.
- f) The Respondent-TPWODL supported the above application of the Petitioner-M/s. Rungta Mines Ltd., Barbil.
- g) The Respondent-OPTCL has opposed the above proposal of the Petitioner in the following terms:
- i) By executing the Tripartite Agreement, the Petitioner M/s. Rungta Mines Ltd., Barbil, being considered as a separate consumer, intended to avail power from the premises of another consumer i.e. M/s. Rungta Mines Ltd. (Kamanda Steel Plant) to all its six separate load centres; instead of getting directly connected to any GSS of OPTCL or any PSS of TPWODL as per the prevailing practice.

- ii) Regulation 139 of OERC (Conditions of Supply) Code, 2019, is applicable only to those consumers who are not covered by the classification enumerated at Regulation 138 of the Supply Code, 2019 and extension of power supply to such consumers is possible through special agreement subjected to special tariff and special conditions of supply and such special tariff needs to be approved by the Commission.
 - iii) In case of transmission of energy from the CGP of the Kamanda Steel Plant to the load centres of the Petitioner, OPTCL is liable to get deemed transmission charges on the quantum of energy transmitted from the CGP as per metered data.
 - h) The Commission, vide its interim order dated 29.10.2024, had directed the concerned parties to discuss the issues among themselves and find out a suitable way for extension of power supply to the load destinations as proposed by the Petitioner-M/s. Rungta Mines Limited (Barbil). Further, the Commission, vide its interim order dated 05.11.2024 has impleaded the Department of Energy, Government of Odisha as a party to the instant case seeking the views of the Government in the matter.
4. With the above background, the Petitioner M/s. Rungta Mines Ltd. has now submitted as under:
- a) The Iron Ore blocks are located in remote geographical terrain (10-20 kms approximately from Koida), having dense forest area. There are no GSS or PSS within 50 kms. radius except 2x5 MVA, 33/11 kV TPWODL's PSS at Koida. The Joda-Tensa 33 kV line of TPWODL has no cushion to carry required load, as it is already overloaded. TPWODL has expressed the unavailability of power supply in the Koida region to facilitate the power supply to the Petitioner as no other network is available.
 - b) Power supply is urgently needed to start mines operation. From the replies of the concerned respondents, it could be revealed that there is no proper infrastructure at present to supply power to the applicant and for providing power to the applicant, construction of proper infrastructure separately or jointly by the concerned respondents are required. It is admitted facts that such construction of infrastructure shall take considerable time i.e. at least 3 years or more.
 - c) The proposal to avail power from own CGP through Group Captive mode needs dedicated transmission lines to be constructed from the CGP to the destination of own use. Such construction of dedicated transmission lines needs prior approval of

the Government under Section 68 of the Electricity Act, 2003 i.e. administrative approval from the Department of Energy, Government of Odisha & corresponding NoC from the DISCOM thereof which is a time-consuming job.

d) In pursuance to the direction of the Commission, vide its interim order dated 29.10.2024, a meeting was held on 04.11.2024 through hybrid mode among the concerned parties under the Chairmanship of the Director (Operation), OPTCL and all the parties agreed for the following temporary arrangement for extending power supply to the proposed load centres of the Petitioner, till the direct connectivity of the Petitioners' system with the Licensees TPWODL/OPTCL is established.

i) *“The 132/33 kV Sub-Station of Respondent 1 (M/s. Rungta Mines Ltd., Kamanda Steel Plant, Kamanda, Koida) shall be the deemed asset of OPTCL for the aforesaid purpose only and it shall be for exclusive use of Rungta Mines Ltd. In such scenario, the existing 132 kV metering system at 132/33 kV GSS, Barbil of OPTCL will continue, till further decision.*

ii) *OPTCL will receive transmission charges for any power drawn by the petitioner from Respondent 1's Captive Generating Plant (CGP), as the CGP of Respondent-1 is connected with OPTCL GSS at present and power from that CGP would have been transmitted to the Applicant through the OPTCL transmission system only, has the Applicant opted for separate connectivity. Therefore, OPTCL reserves the right as per regulations to collect the transmission charges at the TPWODL point of drawl, with proper metering arrangements in place at 33 kV side of drawl. Such meters shall be made accessible to SLDC for Energy Accounting.*

iii) *The proposed agreement shall omit any reference to OPTCL's network constraints, as the same does not exist here at present.*

iv) *Accordingly, the TPA may be revised.*

v) *The aforesaid recommendations are subject to approval of the Hon'ble Commission.”*

e) Both M/s. Rungta Mines Ltd., Barbil (the Applicant) and M/s. Rungta Mines Ltd., Kamanda Steel Plant (the Consenting Party/ Respondent-1) are the separate units of the Applicant and not separate legal entity. Further, M/s. Rungta Mines Ltd. agrees to avail power through the existing metering arrangement from 132/33 kV Barbil GSS of OPTCL by bearing the transmission loss.

f) Since all the concerned parties have agreed upon for extending power supply to the Petitioner with the abovementioned terms and signed the Minutes of Meeting held on 04.11.2024, the Petitioner prays before the Commission for approval of the same looking into the exigency and accordingly, the power supply agreement is to be revised.

5. The Respondent-OPTCL has submitted the following:

- a) OPTCL may be allowed as a necessary party to the proposed agreement, as the 132/33 kV Sub-station of Respondent-1 (M/s. Rungta Mines Ltd., Kamanda Steel Plant, Kamanda, Koida) is proposed as a deemed asset of OPTCL.
- b) The existing 132 kV metering arrangement at 132/33 kV Barbil GSS may be continued, as no other consumer except the load centres of M/s. Rungta Mines Ltd. shall be benefited by the proposed arrangement. The transmission loss of the 132 kV line between Barbil GSS to the Sub-station of the Respondent-1 shall also be borne by them and not by TPWODL and OPTCL as the same will be passed on to the other consumers of the State.
- c) The metering for the applicant (as a single consumer for all its six load centres) may be done at their point of inter-connection at the 132/33 kV Sub-station of the Respondent-1 as proposed. When 132 kV meter reading (recorded at Barbil GSS end) is greater or equal to 33 kV meter reading (recorded at the Sub-station of Respondent-1 meant for the Applicant), OPTCL will collect transmission charge from TPWODL on the 132 kV meter reading. When 132 kV meter reading (recorded at Barbil GSS end) is less than the 33 kV meter reading (recorded at the Sub-station of Respondent-1 meant for the Applicant), OPTCL will collect transmission charges from TPWODL on the 132 kV meter reading plus differential meter reading of 33 kV meter and 132 kV meter, with transmission losses as applicable.
- d) As the energy accounting shall be done by SLDC, the meters installed for the applicant shall be made accessible to SLDC and the proposed metering scheme of the TPA may be validated by SLDC.
- e) Additional power requirement, if any, by the Respondent-1 may be allowed by TPWODL/OPTCL following due procedure after settlement of the connectivity. In the instant case, TPWODL has never applied for connectivity or enhancement of CD to OPTCL in prescribed format as per OERC's Supply Code, 2019, for carrying out feasibility study by OPTCL. Considering the availability of 33 kV bays/space for construction of 33 kV bays at Barbil GSS, TPWODL may consider to avail power from there, by constructing separate line and PSS for the catering 6 load centre of Applicant, so that the practice of extending power supply to one consumer from the premises of another consumer can be avoided. The DISCOMs may be advised to intimate similar type of connectivity requirement to OPTCL

well in advance, so that if required, OPTCL transmission system shall be made ready, matching with the progress of the work at the consumer site.

6. The Respondent-TPWODL has submitted as under:

- (a) The applicant had requested TPWODL to facilitate power supply at 33 kV level with an estimated electrical demand of approximately 15 MW for their mines and residential colony requirements in a phased manner. But, TPWODL is now unable to provide 33 kV power supply in the Joda-Barbil area due to lack of adequate network assets and the absence/unavailability of any GSS of OPTCL near the aforementioned load centres as well as overloading of 64 years old Joda-Tensa 33 kV line (Koida PSS area load of 5 MVA & around 10 MVA load by Industries through LILO). However, the Commission has approved upgradation of existing 33 kV Joda-Tensa line under capex proposal vide order dated 12.12.2023.
- (b) The suggestion for billing to all the load centres (one existing mine & other six proposed locations) separately cannot be possible due to different Retail Supply Tariffs (RST) and voltage of supply. TPWODL suggests for billing to the Applicant-Consumer with General Purpose HT tariff at 33 kV level and billing to the existing Consumer (M/s. Rungta Mines, Kamanda Steel Plant) at 132 kV level shall be done by deducting the drawal of the prospective Consumer (M/s. Rungta Mines Ltd., Barbil) connected at 33 kV level through 15 minutes integration time block.
- (c) As the CGP of the Respondent-1 (M/s. Rungta Mines Ltd., Kamanda Steel Plant) is connected to 33 kV bus of its Sub-station, the exported surplus power either flows to the proposed load centres or towards 132/33 kV GSS at Barbil. The surplus power from the CGP flows to the load centres through the 33 kV bus should be treated as power evacuated at 33 kV level. As per the terms of the PPA, during any given instances (15 minutes time block), surplus power flows from CGP of the Steel Plant should be billed by TPWODL as per the meter to be installed at 33 kV level and M/s. Rungta Mines Ltd., Kamanda Steel Plant has no right over such power unless there is separate sale/purchase agreement in place. The surplus power of the CGP in question connected at 33 kV level metering system shall be part of the distribution licensee and when power exported at 132 kV level i.e. at Barbil GSS shall be the right of the transmission licensee.
- (d) As the proposed agreement is at 33 kV level and the entire power to be used shall be recorded at Barbil end, OPTCL will have the right to avail transmission

charges and hence, there is no loss to the OPTCL. Therefore, the claim of OPTCL to be a party to the subject tripartite agreement at 33 kV level, which is entirely a distribution activity, is not correct.

7. The Department of Energy, Govt. of Odisha has no specific view as all parties involved have reached a conclusion through mutual discussion subject to approval of the Commission.
8. We heard the parties through hybrid mode and their written notes of submissions are taken on record. From the submissions of the Petitioner and the Respondents, we observe the followings:
 - a) The Petitioner, M/s Rungta Mines Ltd. (Barbil) has an integrated steel plant in Kamanda near Koida. M/s. Rungta Mines Ltd. (Kamanda Steel Plant), Kamanda, Koida is an existing consumer of TPWODL with Contract Demand (CD) of 15.5 MVA and connected to the 132/33 kV Barbil Grid Sub-station of OPTCL through a dedicated 132 kV line. It has also a CGP of 60 MW capacity synchronised at 33 kV level at its own 132/33 kV Sub-station. M/s. Rungta Mines Ltd. (Barbil)-Applicant and Rungta Mines (Kamanda Steel Plant)-Consenting party /Respondent are separate unit of the applicant, but not separate legal entity.
 - b) M/s. Rungta Mines Ltd., Barbil requires power (around 15 MVA load in a phased manner at 33 kV level) from the Licensee-TPWODL for its expansion project to cater to its two residential colonies (Kanter Koiria & Kula 2 MVA load each) and four Iron Ore Mines/blocks located at different places (Kedesala & Jumha Patriposhi Pahar with 2.5 MVA load each and Purheibahar & Chandiposi with 3 MVA load each). But due to overloading of 64 years old Joda-Tensa 33 kV line and unavailability of any other network of OPTCL/TPWODL at the nearby locations, presently TPWODL is unable to provide/extend power supply to the Petitioner for meeting additional demand of 15 MVA. The Petitioner-M/s. Rungta Mines Ltd., Barbil has filed the present application to extend the power supply to its proposed load centres from the Sub-station/Switchyard of the Consenting Party-M/s. Rungta Mines Ltd. (Kamanda Steel Plant), Kamanda, Koida, which is not permitted as per the provisions of OERC's Supply Code, 2019 and has also prayed for approval of a draft tripartite agreement executed between the Licensee-TPWODL, M/s. Rungta Mines Ltd. (Kamanda Steel Plant), Kamanda, Koida (the Consenting Party) and M/s. Rungta Mines Ltd., Barbil (the Consumer) under

Regulation 139 of OERC Distribution (Conditions of Supply) Code, 2019 along with associated metering arrangement.

- c) OPTCL has strongly opposed the above Tripartite agreement under Regulation 139 of OERC's Supply Code, 2019 and extension of power supply to one consumer from another consumer having six (6) different load centres. Considering the urgency of extending power supply to the Applicant, a prospective mining consumer, who would generate employment opportunities, and non-availability of T&D network in nearby area, the Commission, vide its interim order dated 29.10.2024, had directed the concerned parties to work out a solution to the problem till direct connectivity is established.
- d) As per the direction of Commission on 29.10.2024, a meeting was held under Chairmanship of Director (Operation), OPTCL on 04.11.2024 in presence of the concerned parties i.e. M/s. Rungta Mines Ltd., Barbil, M/s. Rungta Mines Ltd. (Kamanda Steel Plant), Kamanda, Koida, TPWODL & OPTCL to resolve the issues and after a fruitful discussion, the following points were agreed upon as a temporary arrangement for extending power supply to the proposed load centres of the Petitioner, till the direct connectivity of the Petitioners' system with the Licensees TPWODL/OPTCL is established.
 - i) *"The 132/33 kV Sub Station of Respondent 1 (M/s. Rungta Mines Ltd., Kamanda Steel Plant, Kamanda, Koida) shall be the deemed asset of OPTCL for the aforesaid purpose only and it shall be for exclusive use of Rungta Mines Ltd. In such scenario, the existing 132 kV metering system at 132/33 kV GSS, Barbil of OPTCL will continue, till further decision.*
 - ii) *OPTCL will receive transmission charges for any power drawn by the petitioner from Respondent 1's Captive Generating Plant (CGP), as the CGP of Respondent-1 is connected with OPTCL GSS at present and power from that CGP would have been transmitted to the Applicant through the OPTCL transmission system only, has the Applicant opted for separate connectivity. Therefore, OPTCL reserves the right as per regulations to collect the transmission charges at the TPWODL point of drawl, with proper metering arrangements in place at 33 kV side of drawl. Such meters shall be made accessible to SLDC for Energy Accounting.*
 - iii) *The proposed agreement shall omit any reference to OPTCL's network constraints, as the same does not exist here at present.*
 - iv) *Accordingly, the TPA may be revised.*
 - v) *The aforesaid recommendations are subject to approval of the Hon'ble Commission."*

9. As per the draft Tripartite Agreement executed between the Petitioner, the Consenting Party and TPWODL, the duration of agreement, quantum of supply/contract demand, the metering and billing methodology are as stated hereunder:

- a) The duration of the Tripartite Agreement shall commence from the date of its execution and shall continue to be in force until the expiry of five years from the date of agreement as per the Regulations or till a separate arrangement is provided by OPTCL/DISCOM to provide power supply directly from the grid, whichever is **later**. The agreement shall continue till either party gives notice in writing to the other party two calendar months' in advance to terminate the Agreement. In the event of any of the consumer choosing to foreclose of the agreement before completion of five years from the date of commencement of supply, M/s. Rungta Mines Ltd., Barbil (the Consumer) shall be liable to pay the fixed charges for the five years agreement duration.
- b) Subject to the provisions of the Tripartite Agreement and during the period of the agreement, the Licensee-TPWODL shall supply power to the Consumer at 33 kV level through single point metering arrangement at the Sub-station of M/s. Rungta Mines Ltd. (Kamanda Steel Plant)-the Consenting Party and the Consumer-M/s. Rungta Mines Ltd., Barbil shall avail power supply upto but not exceeding a CD of 15000 KVA (13.5 MW) in phased manner.
- c) The Consumer (M/s. Rungta Mines Ltd., Barbil) shall install a set of ABT compliant Main and Check Energy Meters of 0.2 accuracy class as per the CEA (Installation and Operation of Meters) Regulations, 2023 as amended from time to time, at the inter-connection point of the Consumer (M/s. Rungta Mines Ltd., Barbil) at 33 kV level at the switchyard of M/s. Rungta Mines Ltd. (Kamanda Steel Plant) to record consumption of all locations of load centres. The billed energy charges for all locations/load centres shall be derived as per the energy actually consumed and recorded by the energy meters installed at 33 kV level based on the applicable tariff. The consumer shall be billed demand charges as per the demand recorded at 33 kV main meter. The Consenting Party-M/s. Rungta Mines Ltd., (Kamanda Steel Plant) shall be billed energy charges based on the energy actually and collectively consumed and recorded in the main energy meter installed at 132 kV side minus energy billed to the consumer at 33 kV level. The maximum demand of the Consenting Party shall be calculated by subtraction of maximum demand of its 15 minutes time block of the meter installed at 33 kV level at Kamanda Steel Plant from the MD recorded at 132 kV level.
- d) If the net energy consumed by the consumer at 33,000 Volts in every 15 minutes time block exceeds the net energy actually received by Rungta Mines Ltd., Kamanda Steel Plant (Consenting Party) at 132 kV during the corresponding 15

minutes time block, the excess energy consumed by the Consumer during the said 15 minutes time block shall be treated as lapsed by Rungta Mines Ltd., Kamanda Steel Plant, the consenting party shall neither be permitted for banking of such excess Energy nor shall be paid for the same. Further, during such occasions, the Licensee will have the right to bill the Consumers as per meter data.

- e) The Consumer (M/s. Rungta Mines Ltd., Barbil) shall pay the Licensee-TPWODL for power demanded and electrical energy supplied under the agreement, such as Demand Charges, Energy Charges, Customer Service Charges (based on the applicable tariff to the class of Consumers) and Other Charges in accordance with the provisions of the OERC Distribution (Conditions of Supply) Code, 2019 and as notified in Tariff order from time to time under “General Purpose Tariff Category” (under HT Category).
10. In the instant case, Petitioner has proposed to avail such power supply at 33 kV level with single point metering from the Sub-station/Switchyard of the Consenting Party (M/s. Rungta Mines Ltd., Kamanda Steel Plant). The 33 kV / 11 kV lines will be constructed by the Petitioner from the incoming point at the Sub-station/Switchyard of the Consenting Party to its proposed Load Centres. As the prospective consumer will have combination of residential as well as industrial load and proposed drawl is through single point metering arrangement at 33 kV level, such combined consumer category is not defined in OERC’s Supply Code, 2019 and thus, the Petitioner has requested the Commission to consider the prospective consumer under HT General Purpose Tariff Category.
11. As per the submissions of the Petitioner, the development of required infrastructure by the Licensee(s) for extending power supply to its load centres, may require considerable time (about 3 years or more) due to involvement of forest & mining area and if dedicated lines are constructed to avail power from its own CGP, it would be time consuming and delayed because of various administrative approval for getting NOC for construction of line. As stated by the representative of the Licensee-TPWODL, Capex has already been approved for construction of PSS in that area and survey is under progress in this regard as this is forest and mines area. Considering such constraints, we are of the view that, the duration of the Tripartite Agreement shall be for a maximum period of five years. During this five-year period, the Licensees (TPWODL/OPTCL) shall take necessary action for extending power supply to the Applicant Consumer-M/s. Rungta Mines Ltd. Barbil directly from their PSS/GSS.

12. As per the aforesaid MoM dated 04.11.2024, the 132/33 kV Sub-Station of Respondent-1 (M/s. Rungta Mines Ltd., Kamanda Steel Plant, Kamanda, Koida) shall be the deemed asset of OPTCL for the aforesaid purpose only and it shall be for exclusive use of Rungta Mines Ltd. In such scenario, the existing 132 kV metering system at 132/33 kV GSS, Barbil of OPTCL will continue, till further decision. Further, OPTCL will receive transmission charges for any quantum of power drawn by the petitioner from the CGP of Respondent-1, as the CGP of Respondent-1 is connected with OPTCL GSS at present and power from that CGP would have been transmitted to the Applicant through the OPTCL's transmission system only, has the applicant opted for separate connectivity. Therefore, OPTCL reserves the right as per regulations to collect the transmission charges at the TPWODL's point of drawl, with proper metering arrangements in place at 33 kV side of drawl. Such meters shall be made accessible to SLDC for Energy Accounting.
13. As observed from the Tripartite Agreement, the 33 kV lines and associated facilities proposed to be constructed by the Petitioner-M/s. Rungta Mines Ltd., Barbil upto load centres(under deposit work)from the Sub-station of M/s. Rungta Mines Ltd., Kamanda Steel Plant shall be treated as "deemed distribution system" of the Licensee-TPWODL. Thus, the distribution Licensee-TPWODL, before charging of the system, shall ensure all safety measures with certification from the appropriate authority. However, the maintenance of 33 kV line shall rest with M/s. Rungta Mines Ltd., Barbil.
14. In view of the above decision taken by the parties in the MoM dated 04.11.2024, the metering and billing procedure needs to be modified in the TPA.
15. We observe that the concerns of the OPTCL are duly taken care of with the agreed temporary arrangement of power supply to the Petitioner.
16. Considering urgency of extending power supply to facilitate mining operation of Iron ore blocks (4 nos.) located in remote geographical terrain, which have potential to generate employment opportunity and to provide power supply to associate residential colonies (Two) and non-availability of required transmission/distribution infrastructure of OPTCL/TPWODL in the nearby area, we accord in-principle approval for extension of power supply to the Petitioner-M/s. Rungta Mines Ltd., Barbil with single point metering at 33 kV level from the Sub-station/Switchyard of the Consenting Party-M/s. Rungta Mines Ltd., Kamanda Steel Plant (Kamanda, Koida) by executing the Tripartite Agreement between the Petitioner-Consumer (M/s.

Rungta Mines Ltd, Barbil), the Consenting Party (M/s. Rungta Mines Ltd., Kamanda Steel Plant, Koida) and the Licensee-TPWODL along with proposed metering plan with the above observations, subject to the following terms and conditions.

- (a) The term of the subject Tripartite Agreement (TPA) shall be for a maximum period of 5 (five) years.
 - (b) The Petitioner will be treated as General Purpose (GP) HT consumer and the tariff determined for such category of consumers in the tariff orders of the Commission in respective financial year(s) shall be applicable.
 - (c) In case of Open Access(OA) transaction by the Consumers (i.e. M/s. Rungta Mines Ltd., Barbil and M/s. Rungta Mines Ltd., Kamanda Steel Plant), applicable OA charges as per the OERC Open Access Regulations shall be paid by the Consumers.
 - (d) The revenue loss to the Licensee-TPWODL, if any, due to extension of such power supply under above Tripartite Agreement, shall be borne by the Licensee and the agreement shall cease with immediate effect under intimation to the Commission.
 - (e) The Licensee-TPWODL shall ensure that there would not be any loss of revenue to M/s. GRIDCO & M/s. OPTCL under such arrangement of supply of power to the Consumer-M/s. Rungta Mines Ltd., Barbil. The Respondents-GRIDCO & OPTCL are at liberty to approach the Commission, in case of any genuine loss of revenue to them.
17. The Distribution licensee (TPWODL) & Transmission licensee (OPTCL) are directed to take necessary action for development of required T&D infrastructure considering future load growth in the area under discussion so that the Petitioner would get direct connectivity with STU network/DISCOM network as early as possible.
18. The parties are directed to modify the draft Tripartite Agreement in line with the observations and directions made by the Commission in previous paragraphs and submit the signed TPA for information/perusal of the Commission.
19. With the aforesaid observations and directions, the Case stands disposed of.

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

Sd/-
(G. Mohapatra)
Officiating Chairperson