

**BEFORE THE APPELLATE TRIBUNAL FOR
ELECTRICITY, NEW DELHI
ORIGINAL JURISDICTION
O.P. No. 1 OF 2025**

IN THE MATTER OF:

In Suo-Motu action under Section 121 of the EA Petitioner(s)
Versus
Forum of Regulators and Ors. Respondents.

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Date:- .09.2025.

New Delhi.

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....Respondents.

**AFFIDAVIT ON BEHALF OF ODISHA ELECTRICITY
REGULATORY COMMISSION/ RESPONDENT NO. 8 IN
TERMS OF DIRECTION DATED 29.08.2025**

I, Shri Priyabrata Patnaik, S/o. Shri Gorachand Patnaik, aged about 59, working as Secretary, Odisha Electricity Regulatory Commission, Plot No-4, OERC Road, Shailashree Vihar, Bhubaneswar-21, Odisha, do hereby solemnly affirm and state as follows:

Secretary
Odisha Electricity Regulatory Commission
Plot No-04, Churakuli, Bhubaneswar-21

1. I have gone through the content of the above-mentioned O.P. and understood the same. I am competent to swear this affidavit on behalf of the Odisha Electricity Regulatory Commission (OERC) R-8.
2. That the Odisha Electricity Regulatory Commission (OERC) has not created, identified, or made out a "Regulatory Asset" for Distribution Companies/ Distribution Utility, while determining the Retail Supply Tariffs for the State of Odisha.
3. That the orders of the Retail Supply Tariffs of past years are already available on the website of the State Commission.
4. That it further bring notice of this Hon'ble Tribunal that, for the last 10 years, (FY 2015-16 to 2024-25), no RST Orders was questioned or aggrieved by any Distribution Companies/ Distribution Utility or any consumers.
5. It is humbly submitted that in the State of Odisha has a unique modus operandi for the purchase of electricity for the entire State. That is a "single buyer model" operating in the State of Odisha, in which GRIDCO acts as a bulk purchaser,



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 Secretary
 Odisha Electricity Regulatory Commission
 Plot No-04, Chandrokhil, Bhubaneswar-751 005

who purchases electricity from different generators, including availing the State Quota from the NTPCs, Coal linkage benefits from generators, free power from generators in terms of PPA/contract with GRIDCO Ltd./ State of Odisha, and the four electricity distribution companies of the State buy electricity from it. Thus, the four DISCOMs of Odisha get the electricity at a comparatively cheaper price for their respective area. The GRIDCO Ltd. is a State of Odisha undertaking.

6. It also mentioned in the ARR of RST Orders that there ~~was~~ a surplus, rather than any gap/deficit for the Distribution Companies/Distribution Utility. For the period FY 2020-21 and FY 2021-22 (RST Order dated 26.03.2021 in Case No. 75, 76, 77 and 78 of 2020, available on the OERC's website). No deficit/gap in any of the four distribution licensees.

Secretary
Odisha Electricity Regulatory Commission
Plot No-04, Cuttack, Bhubaneswar-751004

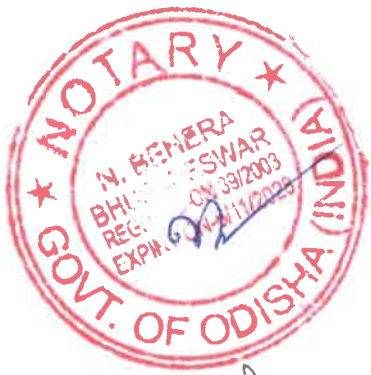


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For the period FY 2022-23 (RST Order dated 24.03.2022 in Case No. 108, 109, 110, and 111 of 2021, available on the OERC's website). No deficit/gap in any of the four distribution licensees.

For the period FY 2023-24 (RST Order dated 23.03.2023 in Case No. 82, 83, 88, and 80 of 2022, available on the OERC's website). Here, only one DISCOM/TPCODL out of four has a deficit gap of Rs. 34.82 Cr; however, the total surplus is Rs. 29.74 Cr. All four DISCOMs are the companies of Tata Power Ltd.

For the period FY 2024-25 (RST Order dated 13.02.2024 in Case No. 116, 119, 122, and 125 of 2023, available on the OERC's website). Here, only one DISCOM/TPSODL out of four has a deficit gap of Rs. 18.42 Cr, but in total, there was a surplus of Rs. 18.98 Cr. All four DISCOMs are the companies of Tata Power Ltd.



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For the period FY 2025-26 (RST Order dated 24.03.2025 in Case No. 84, 88, 95, and 99 of 2024, available on the OERC's website). Here, only one DISCOM/ TPSODL out of

four has a deficit/ gap of Rs. 45.51 Cr, but in total, there was a surplus of Rs. 61.28 Cr.

7. Submissions pertaining to the five directions, "a to e" as mentioned in the order dated 29.08.2025 of the O.P., are as follows,

a) There were no regulatory assets as on 01.04.2024 on any of the four DISCOMs of the State.

b) As per ARR for FY 2024-25 (RST Order dated 13.02.2024 in Case No. 116, 119, 122, and 125 of 2023, which, effective from 01.04.2024). There is only one DISCOM/ TPSODL out of four that has a deficit gap of Rs. 18.42 Cr, but in total, there was a surplus of Rs. 18.98 Cr. All four DISCOMs are the companies of Tata Power Ltd.



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Secretary
Odisha Electricity Regulatory Commission
Plot No-04, Chhatrapati, Bhubaneswar-751001

- c) Trajectory/road map to recover Rs.18.42 Cr is not required, as there is already a surplus in totality. However, it will be taken into account in the succeeding ARR determination or during the Truing up exercise.
- d) Intensive Audit of DISCOMs in the State is not required, as there are no Regulatory Assets.
- e) Truing up has been done up to FY 2023-24 vide Order dated 24.03.2025 of all four Distribution Licensees in Case No. 86 of 2024 for TPWODL, Case No. 101 of 2024 for TPSODL, Case No. 97 of 2024 for TPNODL and Case No. 90 of 2024 for TPCODL.

8. That the said affidavit is also uploaded on the website of the State Commission, as directed by this Tribunal on 29.08.2025.
9. That, I have read and understood the facts and contents filed herewith.
10. That the content of the present affidavit is true and correct.



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Secretary
Odisha Electricity Regulatory Commission
Plot No. 41, Cuttack, Bhubaneswar-751 005

Odisha Electricity Regulatory Commission
Plot No-04, Chaudhary Bhubaneswar-21

Verified at Bhubaneswar, Odisha, on this 2nd day of
September 2025.

Amritha-dananda Acharya

DEPONENT

Secretary

Odisha Electricity Regulatory Commission
Plot No-04, Chunoketi, Bhubaneswar-751 005



The above named deponent has
duly identified by Sri:.....
Advocate and appears before me on
dated.....
AM/PM
contents of
best of his
knowledge

independent

Executive Magistrate
Bhubaneswar

NILAMANI BEHERA
NOTARY SHUBANESWAR
GOVT. OF ODISHA (INDIA)
REGD. NO. ON-39/2003