

Case Nos. 88, 89, 90 & 91 of 2022 and Case No.11 of 2023

Order-1

Date of hearing: 28.02.2023 at 11.00 A.M.

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Shri M. Shenbagam, CEO and Shri Puneet Munjal (Chief Regulatory & Govt. Affairs), TPCODL-the petitioner, the Representative of WISE, Pune-the Consumer Counsel appointed by OERC, Shri Ramesh Ch. Satpathy, Dr. Kamala Kanta Das, Shri Priyabrata Sahu, Shri P.C. Sahu, the representative of M/s. East Coast Railway, Shri R.P. Mahapatra, Shri. Akshya Kumar Sahani for self and M/s Pragati Milk Products Pvt Ltd, the representative of Shri Soumya Ranjan Patnaik, MLA, Khandapada, Shri Bibhu Charan Swain, the authorized representative of M/s Utkal Chamber of Commerce & Industry Ltd. (UCCI) & M/s. Jindal Steel & Power Ltd.(JSPL), Shri Lalit Mishra, DGM (Fin.), R&T, Shri B.K Das, Sr. GM (PP), GRIDCO Ltd., Shri Ananda Kumar Mohapatra, the representative of OPTCL, the representative of Chief Load Despatcher, SLDC are present.

Nobody is present on behalf of M/s. Reliance JIO Infocom Limited, Shri Ashok Kumar Pattnaik of M/s. BRG Iron & Steel Co.Pvt. Ltd., Shri Bidyadhar Mohanty, Shri Bibekananda Mohanty, Shri Panchanana Jena, Working president, Bijuli Kramachari Sangh, Shri Jyoti Prakash Dash, Shri Umakanta Mohapatra, M/s. Grinity Power Tech Pvt. Ltd., Shri Ananta Narayan Mahanty, Shri Rajendra Samal, Shri Asitananda Biswal, Shri Prabhakar Dora, Sri. Subrat Kumar Behera, Advocate, Sri Manoranjan Routray, Shri Jayanta Kumar Jena, M/s. ATC Telcom Infrastructure(P) Ltd., Odisha Retired Power Engineers' Forum, M/s. Indian Energy Exchange, Shri Santosh Kumar Agarwal, the Secretary, Confederation of Citizen Association, Secretary, PRAYAS and DoE, GoO.

Shri Subhas Chandra Senapati, Shri Manoj Kumar Behera and Shri D.B. Pattanayak were registered their name during hearing at the spot and were not present in the proceeding on repeated calls.

2. Heard the Applicant, Consumer Counsel, Objectors present in the hearing on the application for Aggregate Revenue Requirement, Wheeling Tariff & Retail Supply Tariff for the Financial Year 2023-24, application for Open Access Charges for FY

2023-24, for truing up for (June, 2020 to March, 2021) & truing up for FY 2021-22 and application for approval of Business Plan for FY 2023-24.

3. During the hearing, objection was raised by the Learned Objector Shri R.P. Mahapatra on hearing of the present cases calling in question the competency of the present Commission. He submits that in absence of the Chairperson, hearing the parties and stakeholders is highly inappropriate as far as TPCODL applications for RST for FY 2023-24, Open Access Charges for FY 2023-24, for truing up for (June, 2020 to March, 2021) and Truing Up application for FY 2021-22 and Business Plan for FY 2023-24.
4. Heard. The objection raised on behalf of Shri R. P. Mahapatra is legally untenable in view of Section 93 of the Electricity Act, 2003 read with Section 9 (4) of the Orissa Electricity Reform Act, 1995 and Regulation 8(1)(b) of the OERC (Conduct of Business) Regulations, 2004. Hence, this Commission, presently functioning with Acting Chairperson and another Member, is vested with the required quorum for hearing of the Petition at hand. Accordingly, hearing on ARR and Tariff Proposal of TPCODL for the FY 2023-24 cannot be legally deferred on account of vacancy of the post of regular Chairperson. Thus, the objection is untenable and the same is rejected. Consequent upon the same, hearing of the Petition is taken up.
5. Rejoinder filed by the applicant on objections/ suggestions of the Objectors and the views submitted by Consumer Counsel WISE, Pune are noted.
6. The DoE, GoO and the Objectors are directed to submit their written note of submission, if any, by 07.03.2023 serving a copy of the same to the Applicant. The Applicant is also directed to submit its reply on the issues raised during hearing by 07.03.2023.
7. Hearing concluded. Order reserved.

Sd/-
Member (RM)

Sd/-
Officiating Chairperson