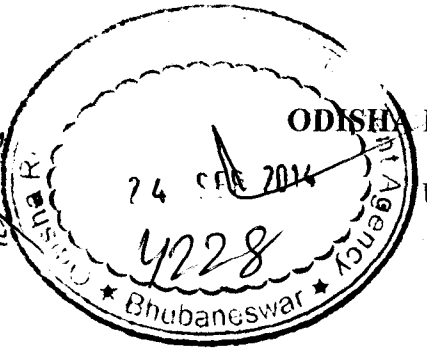


NICM 2014-2
24/9



ODISHA ELECTRICITY REGULATORY COMMISSION
BIDYUT NIYAMAK BHAWAN
UNIT-VIII, BHUBANESWAR - 751 012

No. 1280 /dt. 16/9/14

Case No. 09/2014

M/s. NALCO
Vrs.
Chief Executive OREDA & Another

..... Petitioner
..... Respondents

In the matter of: An application u/S. 94 (1) (f) of the Electricity Act, 2003 read with Regulation 70 of the OERC (Conduct of Business) Regulations, 2004 for review and amendment of the order dated 21.11.2013 of the OERC passed in Case No. 21/2013.

To
M/s National Alluminium Company Ltd.
R/O. At- P1, Nayapalli,
Bhubanewar, Odisha.

✓ Chief Executive, OREDA
At. S-59, Mancheswar Industrial Estate,
Bhubneswar-10.

The Chairman- cum-Managing Director,
M/s. GRIDCO, Janapath,
Bhubaneswar-22.

Sir,

Enclosed, please find a true copy of the order dtd. 15.09.2014 passed by the Commission in Case No.09 of 2014 for your information and necessary action.

Encl: As above.

By order of the Commission


SECRETARY

Case No. 09/2014



Order-1

Date of hearing:-09.09.2014

Date of order:15.09.2014

Shri. Manoj Kumar Mishra, Sr. Advocate and Shri. M K Rajguru, Advocate on behalf of the petitioner M/s. NALCO, Ms. Sujata Das, Verifier, OREDA are present. No body is present on behalf of GRIDCO though notice was served for hearing on them. The vakalatnama filed by the counsel appeared on behalf of the petitioner and the reply filed by the OREDA are taken on record.

2. Heard the petitioner on question of admission. Mr. Mishra, Sr. Advocate appearing on behalf of the petitioner submitted that NALCO should be exempted from the renewable and co-generation energy purchase obligation for FY 2011-12 and 2012-13 as it has fulfilled its total RCPO obligation under the OERC (RCPO) Regulations, 2010. This is because total consumption from its co-generation plants is more than the total RCPO targets for the aforesaid years in view of judgments of Hon'ble ATE in several appeals such as Appeal No. 57/2009 in case of Century Rayon Vrs. MERC & Others, in Appeal No. 54/2012 in case of Emami Paper Mills Ltd. Vrs. OERC & Others and Appeal No. 59/2012 in case of Vedanta Aluminum Ltd, Vrs. OERC.
3. The Commission desired to know whether this claim is justified in view of the latest judgment of Hon'ble ATE in Appeal No. 53/2012 dtd. 02.012.2013 in Lyod Steel vrs. MERC and Others. In response to above query of the Commission the Counsel for NALCO submitted that said judgment is beyond their knowledge. Accordingly, he prayed for short adjournment of the case to respond properly.
4. Prayer of the Petitioner NALCO for adjournment of hearing is allowed.
5. The next date of hearing on question of admission as well as on merit will be intimated latter on.

Sd/-
Member (D)

Sd/-
Member (S)

Sd/-
Chairperson

