

**ODISHA ELECTRICITY REGULATORY COMMISSION
BIDYUT NIYAMAK BHAWAN
PLOT NO. 4, CHUNUKOLI, SHAILESHREE VIHAR,
BHUBANESWAR-751021
E-mail : oriarc@gmail.com/Website : www.oriarc.org

**Case No.122/2021/36
Dated. 24.01.2022**

To

The Chief Executive Officer, TPCODL
2nd Floor, IDCO Towers, Janapath,
Bhubaneswar-22.

Sir,

I am directed to inform that you are required to publish the Public Notice as attached to this letter in English language in one issue each of a daily English and Odia newspaper having wide circulation in the State. The publication shall be made on **25.01.2022**.

The proof of the above publications made in English and Odia dailies shall be furnished to the Commission within five days of such publications.

Yours faithfully,

Encl : As above

Sd/-
S E C R E T A R Y

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

E-mail : orierc@gmail.com/Website :[www. orierc.org](http://www.orierc.org)

PUBLIC NOTICE

Case No. 122 of 2021

Hearing of Application of TPCODL under Regulations, 154, 199 and 204 of the OERC Distribution (Condition of Supply) Code, 2019 for approval of One Time settlement (OTS) Scheme for waiver of long outstanding arrears from Government consumers (including public Sector Undertakings, Autonomous Organizations, Local Bodies [ULBs & PRIs]) as well as other than Government consumers of the DISCOMs.

M/s. Tata Power Central Odisha Distribution Limited has filed an application on behalf of all the four Distribution Companies of Odisha (i.e. TPCODL, TPWODL, TPSODL & TPNODL) before this Commission for approval of One Time Settlement Scheme (OTS) for waiver of long outstanding arrears from Government consumers (including public Sector Undertakings, Autonomous Organizations, Local Bodies [ULBs & PRIs]) as well as other than Government consumers of the DISCOMs.. The Commission has registered it as Case No.122 of 2021 and has decided to dispose of this case through a public hearing .The petition along with all Annexures submitted by M/s. TPCODL in this regard is available in OERC website (www.orierc.org) and also in the website of above named DISCOMs. The persons/ organizations those who are interested in the above proceeding may file their objections/suggestions on the present petition of M/s. TPCODL by 07.02.2022 with a copy to the applicant and TPCODL is directed to file its rejoinder to the objections/suggestions of the Respondents by 14.02.2022.These who are interested to participate in the public hearing through video conferencing should also indicate their e-mail address to the Commission at OERC e-mail (oerc.vc@gmail.com) citing case No. The date of hearing shall be communicated through email /post.

Dated:24.01.2022

By Order of the Commission

Sd/-

SECRETARY



File No TPCODL/Regulatory /2021/107 /12583

December 2nd ,2021

Secretary,
Odisha Electricity Regulatory Commission,
Bidyut Niyamak Bhawan
Plot No-4, Chunokoli,
Shailashree Vihar, Bhubaneswar-751021

Dear Sir,

Subject: Approval of One Time Settlement Scheme (OTS) for waiver of long outstanding arrears from Government Consumers.

We are, through this letter, submitting our petition on the subject matter.

We trust the same is in order.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'VH Wagle', is written over a faint blue circular stamp.

(Vidyadhar Wagle)

Head Regulations

VIDYADHAR.WAGLE@tpcentralodisha.com

TPCODL

Before the Odisha Electricity Regulatory Commission
Pot No-4, Chunokoli, Shailashree Vihar, Bhubaneswar-751021

File No TPCODL/Regulatory /2021/107/12583

December 2nd, 2021

In the Matter of

Approval of One Time Settlement (OTS) Scheme for waiver of long outstanding Government Arrears (including Public Sector Undertakings, Autonomous Organisations, Local Bodies (ULBs & PRIs) under Regulation 154, 199 and 204 of OERC Distribution (Condition of Supply) Code, 2019.

And

In the Matter of

TP Central Odisha Distribution Ltd. (Formerly CESU)
TP Western Odisha Distribution Limited (Formerly WESCO)
TP Southern Odisha Distribution Limited (Formerly SOUTHCO)
TP Northern Odisha Distribution Ltd. (Formerly NESCO)

...Petitioners

And

In the Matter of

GRIDCO, OPTCL, Govt. of Odisha and all Other Stake holders

04 DEC 2021

Affidavit

N. KANUNGO
NOTARY, BHUBANESWAR
Govt. of Odisha, (India),
Regd. No-ON-14/2008

I, Puneet Munjal, aged about 58 son of late Shri Jagdish Lal Munjal residing at Bhubaneswar do hereby solemnly affirm and say as follows:

1. I am the Chief-Regulatory & Government Affairs of TP Central Odisha Distribution Ltd. and I am the authorized representatives of the above applicants and duly authorized to swear this affidavit on their behalf.
2. The statements made in the submission -File No- TPCODL/Regulatory/2021/ 107/12583 herein shown to me are based on information provided to me and I believe them to be true.

Bhubaneswar

Dated: 02.12.2021




Chief-Regulatory & Government Affairs

N. KANUNGO
NOTARY, BHUBANESWAR
Govt. of Odisha, (India)
No-ON-14/2008

1951

...

...

...

...



...

...



...



Before the Odisha Electricity Regulatory Commission
Pot No-4, Chunokoli, Shailashree Vihar, Bhubaneswar-751021

Case No: _____ of 2021

File No TPCODL/Regulatory /2021/107/12583

In the Matter of

Approval of One Time Settlement (OTS) Scheme for waiver of long outstanding Government Arrears (including State Public Sector Undertakings, Autonomous Organisations, Local Bodies (ULBs & PRIs) under Regulation 154, 199 and 204 of OERC Distribution (Condition of Supply) Code, 2019.

And

In the Matter of

TP Central Odisha Distribution Ltd. (Formerly CESU), Corporate Office, Power House, Unit 8, Bhubaneswar- 751 012 representing itself and other three Distribution Companies in Odisha, viz. TP Southern Odisha Distribution Ltd. (Formerly SOUTHCO), TP Western Odisha Distribution Limited (Formerly WESCO) and TP Northern Odisha Distribution Ltd. (Formerly NESCO), by Chief –Regulatory & Government Affairs, TPCODL.

...Petitioner

And

In the Matter of

GRIDCO, OPTCL, Govt. of Odisha and all Other Stake holders

..... Respondents

A. Prayer

1. The Petitioners pray for the following to the Hon'ble Commission
 - a. Approval of Onetime Settlement Scheme (OTS) for waiver of Delayed Payment Surcharge and long outstanding arrears for Government Consumers.
 - b. Allow the liberty to the Petitioners to file any additional information.
 - c. Pass any other direction it deems fit.



Arrear clearance through One Time Settlement (OTS) Scheme for Government Consumers including Govt. Departments, State Public Sector Undertakings (PSUs), Autonomous Organisations & Local Bodies (ULBs & PRIs) and Cooperatives.

1. Background

In year 2009, the erstwhile Distribution Licensees, namely WESCO (Now TPWODL), NESCO (Now TPNODL) and SOUTHCO (Now TPSODL) had filed petition before the Hon'ble Commission for approval of a One Time Settlement (OTS) Scheme for waiver of long outstanding dues with various category of consumers including Govt, consumers. The Hon'ble Commission had approved a scheme vide order dt.20th July 2011 in case no 5,6,7 of 2010.

These, along with the erstwhile CESU were privatised through disinvestment of 51% of Equity in the new SPVs created for this purpose, with the new SPVs, in favour of Tata Power Company Limited, which was selected as the Successful Bidder by the Hon'ble Commission as an outcome of a transparent Competitive Process carried out by it for each of the Distribution Companies. While the CESU Utility was transferred to TPCODL on 01.06.2020, that of WESCO and SOUTHCO were transferred to TPWODL and TPSODL respectively on 01.01.2021 and of NESCO was transferred to TPNODL on 01.04.21, vide their respective Vesting Orders issued by the Hon'ble Commission.

The Govt. of Odisha, Department of Finance vide notification dt.21-12-20 has notified book adjustment of Rs.250.14 Crs. (including Rs. 29.31 Cr. of Delayed Payment Surcharge) against outstanding dues of various Govt. departments as on 31-03-2020, excluding State public sector undertakings (PSUs), autonomous organisations, local bodies (ULBs & PRIs), which was to be taken up separately with the concerned Administrative Departments. The notification from the Government of Odisha is attached as **Annexure 1**.

A summary of the Discom-wise Govt. Dues Outstanding on 31.03.2020 (subsequent to settlement of Govt. dues as per the above referred notification of 21-12-20), and further as on respective Effective Dates and as at 31/10/2021 is provided below:



Table: Position of Arrears from Government Departments

Rs. Cr.																
Arreas as on	UOM	CESU			SOUTHCO			NESCO			WESCO			TOTAL (ODISHA DISCOMS)		
		EHT/HT	LT	Total	EHT/HT	LT	Total	EHT/HT	LT	Total	EHT/HT	LT	Total	EHT/HT	LT	Total
31-03-2020 including DPS	Rs. Cr.	1.71	21.00	22.71	17.45	40.59	58.04	0	12.76	12.76	0.41	36.64	37.05	19.57	110.99	130.56
Arrear on Effective Date	Rs. Cr.	2.07	25.01	27.08	17.93	36.65	54.58	5.42	35.99	41.41	1.96	61.02	62.98	27.38	158.67	186.05
Arrears on 31.10.2021	Rs. Cr.	6.65	51.90	58.55	7.18	54.59	61.76	4.10	62.54	66.64	12.28	88.53	100.81	30.21	257.55	287.76

As is evident from above, the Govt. Dues, despite adjustment of around Rs. 250 Cr. as per Govt. communication of December 2020 were still around an aggregate of Rs. 130 Cr. for all four Discoms on 31.03.2020 which further increased to Rs. 186 Cr. as on respective Effective Dates and further to Rs 288 Crores at the end of Oct. 2021. The Bulk of these Arrears (Approximately 90%) are contributed by LT Govt. Consumers which have continued to be in this range since March'20 and also on respective Effective Dates on Aggregate basis for Odisha as a whole.

The Discoms have made extensive efforts to realise these dues including taking up with the Block Development Officers at local level as well as at the Government of Odisha level. In order to ensure that this issue of accumulation of further Govt. Arrears going forward is addressed permanently, procurement and installation of Pre-Paid Smart Meters for Govt. consumers wherever feasible, has been initiated and is expected to be completed within six months of delivery of such meters. However, for liquidating the past dues, specifically with reference to those which existed as on Date of respective Takeovers, viz. 30.06.2020 for CESU, 31.12.2020 for SOUTHCO & WESCO and 31.03.2021 for NESCO, the Discoms hereby propose a One Time Settlement (OTS) Scheme for clearance of Govt. Dues. The proposed Scheme is as follows.

2. Salient features of the proposed OTS Scheme is as follows:

I. Applicability:-

All categories of Government Consumers including public sector undertakings, urban local bodies, rural local bodies, co-operatives, autonomous organizations, LI points/Pani Panchayat etc.

II. Applicability Period:-



120 days from date notified by the Discoms based on Hon'ble Commission's approval of the Scheme

III. Eligibility Amount

Arrears outstanding on respective Effective Dates of Takeover of Discoms with no payment since takeover (viz. Arrears outstanding on 31.05.20 for CESU (TPCODL), 31.12.20 for SOUTHCO (TPSODL) & WESCO (TPWODL) and 31.03.21 for NESCO (TPNODL)

IV. Proposed Quantum of Rebate

Type of Consumers	Quantum of Rebate
Group A i.e. all LT Category of Consumers	<p>(i) DPS in full + 15% of the eligible amount if payment is made in three monthly instalments within the scheme period i.e. 50% +25%+25%</p> <p>(ii) DPS in full + 20% of the eligible amount if payment is made in two equal monthly instalments within the scheme period i.e. 50% +50%</p> <p>(iii) DPS in full + 25% of the eligible amount if payment is made at a time within the scheme period.</p>
Group 'B' Consumers i.e. all HT & EHT Consumers	<p>(i) 40% of DPS of the eligible amount if payment is made in three monthly instalments within the scheme period i.e. 50% +25%+25%</p> <p>(ii) 50% of DPS of the eligible amount if payment is made in two equal monthly instalments within the scheme period</p> <p>(iii) Full waiver of DPS of the eligible amount if payment is made in full within scheme period in one instalment.</p>



- V. If disputed bill has been revised by the erstwhile or current Licensee and such revised amount is included in the arrear amount outstanding as on the effective date, such revised bill amount shall be excluded from such arrear and the balance arrear outstanding as on the date of filing application for OTS would be eligible for OTS as indicated at Sl. IV above.
- VI. A consumer shall be eligible to the benefit of the OTS as indicated above only if he has paid all the current bills in full raised during the period commencing respective Effective Dates of Discoms before the date of filing the application for availing the benefit under OTS Scheme. However a consumer who has not paid the current bill fully as mentioned will be eligible to avail benefit under OTS scheme provided he pays at least 50% of the current bill as stated above at the time of application and gives an undertaking to clear the balance amount in instalments as approved by the DISCOM before the OTS benefit is sanctioned.
- VII. The Govt. consumer shall be entitled to either avail benefit under the OTS Scheme or opt for revision of bills under the existing prescribed normal procedure. If a consumer opts for revision of bill he cannot avail the benefit under the OTS Scheme.
- VIII. Any waiver of electricity charges under the OTS shall also include proportionate waiver of electricity duty payable to Govt. of Orissa on such waived amount.
- IX. The OTS scheme would be applicable also to those Govt. consumers whose case is pending with different courts of law, GRF / Ombudsman subject to the said consumer withdrawing the case from such court of law/ Forum/Ombudsman and submitting a notarised affidavit in prescribed format to having already withdrawn or confirming to withdraw within a time frame before their case is taken up for consideration under OTS Scheme.
- X. Consumers whose bills have already been revised through settlement/ through Court of Law/ GRF / Ombudsman or through normal grievance handling procedure shall not be eligible to get the benefit under OTS Scheme.
- XI. The Discoms shall be entitled to incentive on recovery of Arrears form Govt. Dues under the OTS Scheme as per the rates and conditions prescribed in Para 46 (b), Para



47(b), Para 43 (b) and Para 43 (B) of the Vesting Orders for TPCODL, TPSODL, TPWODL and TPNODL respectively.

- XII. The Discoms shall maintain a separate account of realisation made against the Arrears under the OTS Scheme, which, after retaining the incentive at '2 (XI)' above , shall be utilised by the Discoms as per provisions of the Discoms respective Vesting Order as mentioned in Paras referred to at Sl. No. 2 (XI) above.

**GOVERNMENT OF ODISHA
FINANCE DEPARTMENT**

No. 34020 /F., Bhubaneswar, Date: 21.12.2020
FIN-WF2-MISC-0098-2020

NOTIFICATION

Sub: Settlement of arrear electricity charges of Government Departments till 31.3.2020.

State Government have undertaken a special drive for payment of pending dues of different MSMEs, Industries, Municipalities and Utilities vide Finance Department Letter No.15352/F dated 16.05.2020. In order to meet the requirement for settlement of arrear electricity dues of Government Offices against State Government receivables from GRIDCO, necessary Budget provision has also been made in 2020-21 (BE). Accordingly, Energy Department have come up with proposal for settlement of arrear electricity charges of Government Departments amounting to **₹250.14 crore** till 31.3.2020, which include arrear ED of ₹220.87 crore and delayed payment surcharge (DPS) of ₹29.23 crore.

2. **Arrear Electricity Dues:** The arrear ED payable by Government consumers till dt.31.03.2020 has been estimated at **₹220.87 crore**. This excludes outstanding ED payable by Public Sector Undertakings (PSUs), Autonomous Organisations and Local Bodies (ULBs & PRIs), which would be taken up separately with the concerned Administrative Departments.

3. **Delayed Payment Surcharge:** The regular rate of delayed payment surcharge (DPS) against payment of outstanding EDs beyond the due date is chargeable at 15%. However, DPS would be charged at the rate equivalent to the weighted average rate of interest charged by the State Government on loans extended to GRIDCO and DISCOMs as a matter of policy decision. Accordingly, the DPS to be charged on Government Offices has been worked out at 10.41%. Thus, the DPS payable @ 10.41% against the outstanding arrear amount of ₹220.87 crore has been estimated at **₹29.23 crore**. DISCOM-wise summary of outstanding ED against Government consumers and DPS chargeable at the weighted average rate in comparison to the normal rate is given in the following table:

₹ in crore

Utility	No of Consumers	Arrear ED	DPS @ 10.41%	Total Arrear including DPS
1	2	3	4	5 (3+4)
TPCODL	7194	52.32	4.93	57.28
NESCO	15088	73.75	12.61	86.36
WESCO	4821	39.66	6.48	46.14
SOUTHCO	10451	55.15	5.21	60.36
Total	37554	220.87	29.23	250.14

4. **Principles of settlement of arrear EDs:** The State Government is required to play the role of a model consumer and set an example for others in clearance of outstanding dues and timely payment of electricity dues to the DISCOMs. As such, the outstanding electricity charges of Government offices as on 31.3.2020 is to be adjusted on back-to-back basis against the receivables of State Government from GRIDCO on following principles –


- i. The outstanding electricity charges including DPS against Government Departments as on 31.3.2020 amounting ₹250.14 crore are to be set off against the interest / penal interest on NTPC Power Bond.
- ii. DPS is to be charged at the rate equivalent to the weighted average rate of interest charged by the State Government on loans extended to GRIDCO and DISCOMs, i.e. @ 10.41%.
- iii. This is a non-cash adjustment of arrear Government dues and hence no entity will have any fee or incentive in any manner on adjustment of this amount.
- iv. All Government Offices will not be required to make any payment towards Arrear Electricity Dues pertaining to the period up to 31.03.2020 which would be settled by Finance Department against the receivables of Government from GRIDCO.
- v. If any payment has been made after 01.04.2020 towards Arrear Electricity Dues by any Government Office, it is to be adjusted against the current Electricity Dues for the period beginning from 01.04.2020.
- vi. Electricity Dues from 01.04.2020 have to be paid by the Government Departments/ Offices in time and rebates be availed wherever admissible. Non-payment of electricity dues in time may lead to disconnection of electricity supply by the DISCOMs. Hence, no opportunity should be given to the DISCOMs to take coercive action through disconnection of power supply in case of default in payment of Electricity Dues for the period from 01.04.2020 onwards which would cause inconvenience to the public.
- vii. The adjustment for ₹250.14 crore would be made against the provision under the Head of Account "D.No.05/2052-Secretariat General Service/00-AE-EOM/090-Secretariat/ 0488-Finance Department/78487-One time settlement of arrear electricity dues" in 2020-21 (BE) on back-to-back basis.

5. The State Cabinet have approved the proposal for settlement of arrear Electricity Dues of Government Departments till 31.3.2020 vide PA Department Notification No.6095/PAD, dt.09.12.2020.

Johok
21/12/2020
Principal Secretary to Government

Memo No. 34021 /F., dated 21.12.2020

Copy to Principal Accountant General (A&E), Odisha for kind information and necessary accounting adjustment.


21/12/2020
Joint Secretary to Government

Memo No. 34022 /F., dated 21.12.2020

Copy to PS to Chief Secretary / DC-cum-ACS for kind information of Chief Secretary / DC-cum-ACS.


21/12/2020
Joint Secretary to Government


Memo No. 34023 /F., dated 21.12.2020

Copy to Secretaries of all Departments for kind information and necessary action.


21/12/2020
Joint Secretary to Government


Memo No. 34024 /F., dated 21.12.2020

Copy to all Budget and Expenditure Branches of Finance Department for kind information and necessary action.


21/12/2020
Joint Secretary to Government


Memo No. 34025 /F., dated 21.12.2020

Copy forwarded to Gazette Cell of Commerce & Transport Department for publication in the Extraordinary Gazette Notification.


21/12/2020
Joint Secretary to Government

Memo No. 34026 /F., dated 21.12.2020

Copy forwarded to Portal-in-Charge, FID for publication in the website of Finance Department (<https://finance.odisha.gov.in/>).


21/12/2020
Joint Secretary to Government



Case No: _____ of 2022

File No TPCODL/Regulatory /2022/02 /57

3rd January 2022

Secretary,
Odisha Electricity Regulatory Commission,
Bidyut Niyamak Bhawan
Plot No-4, Chunokoli,
Shailashree Vihar, Bhubaneswar-751021

Dear Sir,

Subject: Approval of One Time Settlement Scheme (OTS) for waiver of long outstanding arrears from Other than Government Consumers.

We are, through this letter, submitting our petition on the subject matter.

We trust the same is in order.

Yours faithfully

(Vidyadhar Wagle)

Head Regulations

VIDYADHAR.WAGLE@tpcentralodisha.com

Cc:

1. The CEO, TPCODL, Corporate Office ,Power House Square,Bhubaneswar-751012
2. The CEO,TPWODL, At/PO- Burla, Sambalpur-768017
3. The CEO,TPSODL, At/PO- Courtpeta, Berhampur-760004
4. The CEO,TPNODL, Januganj,Balasore-756019
5. The MD,GRIDCO Ltd, Janpath, Bhubaneswar-751022
6. The MD, OPTCL , Janpath, Bhubaneswar-751022
7. The Special Secretary to Govt.,Department of Energy,Govt. of Odisha,Kharavel Bhawan, Bhubaneswar-751001

1

TPCODL

Before the Odisha Electricity Regulatory Commission
Pot No-4, Chunukoli, Shailashree Vihar, Bhubaneswar-751021

Case No: ____ of 2022

File No TPCODL/Regulatory /2022/02/57

In the Matter of

Approval of One Time Settlement (OTS) Scheme for waiver of long outstanding Arrears of Other than Government Consumers (Govt. Consumers include Govt. Department, State Public Sector Undertakings (PSU), Autonomous Organisations, Local Bodies (ULBs & PRIs) and Cooperatives) under Regulation 154, 199 and 204 of OERC Distribution (Condition of Supply) Code, 2019.

And

In the Matter of

TP Central Odisha Distribution Ltd. (Formerly CESU), Corporate Office, Power House, Unit 8, Bhubaneswar- 751 012 representing itself and other three Distribution Companies in Odisha, viz. TP Southern Odisha Distribution Ltd. (Formerly SOUTHCO), TP Western Odisha Distribution Limited (Formerly WESCO) and TP Northern Odisha Distribution Ltd. (Formerly NESCO), by Chief – Regulatory & Government Affairs, TPCODL. ...**Petitioner**

And

In the Matter of

GRIDCO, OPTCL, Govt. of Odisha and all Other Stake holders

..... **Respondents**

Affidavit

I, Puneet Munjal, aged about 58 son of late Shri Jagdish Lal Munjal residing at Bhubaneswar do hereby solemnly affirm and say as follows:

1. I am the Chief-Regulatory & Government Affairs of TP Central Odisha Distribution Ltd. the Petitioner in the above matter. I am the authorized representative of the above applicants and duly authorized to swear this affidavit on their behalf.

2. The statements made in the submission -File No- TPCODL/Regulatory/2022/ 02/57 herein shown to me are based on information provided to me and I believe them to be true.

Bhubaneswar

Dated: 03.01.2022

// SWORN BEFORE ME //

3 JAN 2022

INSTRUMENT NOTARISED

JAGYNESWARACHARYA
NOTARY, GOVT. OF INDIA
BBSR, DIST- KHURDA, ODISHA
REGD. NO. 7791/2009
MOB: 8455885397

Chief-Regulatory & Government Affairs

IDENTIFIED BY ME
31/1/2022
ADVOCATE, BBSR

TP CENTRAL ODISHA DISTRIBUTION LIMITED

(A Tata Power and Odisha Government Joint Venture)

Corporate Office : Power House Square, Unit - 8, Bhubaneswar - 751012

Registered Office : IDCO Towers, 2nd Floor, Janpath, Bhubaneswar - 751022, Tel: 0674 2541575



**Before the Odisha Electricity Regulatory Commission
Pot No-4, Chunokoli, Shailashree Vihar, Bhubaneswar-751021**

Case No: _____ of 2022

File No TPCODL/Regulatory /2022/02/57

In the Matter of

Approval of One Time Settlement (OTS) Scheme for waiver of long outstanding Arrears of Other than Government Consumers (Govt. Consumers include Govt. Department, State Public Sector Undertakings(PSU), Autonomous Organisations, Local Bodies (ULBs & PRIs) and Cooperatives) under Regulation 154, 199 and 204 of OERC Distribution (Condition of Supply) Code, 2019.

And

In the Matter of

TP Central Odisha Distribution Ltd. (Formerly CESU), Corporate Office, Power House, Unit 8, Bhubaneswar- 751 012 representing itself and other three Distribution Companies in Odisha, viz. TP Southern Odisha Distribution Ltd. (Formerly SOUTHCO), TP Western Odisha Distribution Limited (Formerly WESCO) and TP Northern Odisha Distribution Ltd. (Formerly NESCO), by Chief – Regulatory & Government Affairs, TPCODL.

...Petitioner

And

In the Matter of

GRIDCO, OPTCL, Govt. of Odisha and all Other Stake holders

..... Respondents

A. Prayer

1. The Petitioners pray for the following to the Hon'ble Commission
 - a. Approval of Onetime Settlement Scheme (OTS) for waiver of Delayed Payment Surcharge and long outstanding arrears for Other than Government Consumers.
 - b. Waiver of the maximum time limit of two years for resolution of disputed bill as provided in Regulation 157 of the Supply Code,2019 under the power conferred under the Regulation 201 and 202 of the Supply Code,2019.
 - c. Allow the liberty to the Petitioners to file any additional information.
 - d. Pass any other direction it deems fit.



Arrear clearance through One Time Settlement (OTS) Scheme for Other than Government Consumers (Govt. consumers include Govt. Departments, State Public Sector Undertakings (PSUs), Autonomous Organisations & Local Bodies (ULBs & PRIs) and Cooperatives) .

1. Background

In the year 2009, the erstwhile Distribution Licensees, namely WESCO (Now TPWODL), NESCO (Now TPNODL) and SOUTHCO (Now TPSODL) had filed petition before the Hon'ble Commission for approval of a One Time Settlement (OTS) Scheme for waiver of long outstanding dues with various category of consumers including Govt, consumers. The Hon'ble Commission had approved a scheme vide order dated.20th July 2011 in Case no 5,6,7 of 2010. The broad principles and guidelines outlined in this order dated 20th July 2011 was also made applicable to CESU if it desired to launch the OTS for its area of operation and no separate approval of the Hon'ble Commission would be required for the purpose.

These Utilities were subsequently privatised through disinvestment of 51% of Equity in the new SPVs created for this purpose. The Tata Power Company Limited, which was selected as the Successful Bidder by the Hon'ble Commission as an outcome of a transparent Competitive Process carried out by it for each of the Distribution Companies. While the CESU Utility was transferred to TPCODL on 01.06.2020, that of WESCO and SOUTHCO were transferred to TPWODL and TPSODL respectively on 01.01.2021 and of NESCO was transferred to TPNODL on 01.04.21, vide their respective Vesting Orders issued by the Hon'ble Commission.

The Govt. of Odisha, Department of Finance vide notification dt.21.12.2020 notified book adjustment of Rs.250.14 Crs. (including Rs. 29.31 Cr. of Delayed Payment Surcharge) against outstanding dues of various Govt. departments as on 31-03-2020, excluding State public sector undertakings (PSUs), autonomous organisations, local bodies (ULBs & PRIs), which was to be taken up separately with the concerned Administrative Departments. The notification from the Government of Odisha is attached as **Annexure 1**.

The Petitioners have filed a Petition (**Case No 122 of 2021**) before the Hon'ble Commission vide Letter No. TPCODL/Regulatory/2021/107/12583 dated December 2nd, 2021 seeking approval of a One Time Settlement Scheme (OTS) for waiver of long outstanding arrears from Government Consumers.

While the same is under consideration by the Hon'ble Commission, the Petitioners are filing a similar Petition for implementation of a One Time Settlement Scheme for Other than Govt. Consumers, thereby intending to ensure that all consumers of the Discoms are provided similar opportunity to clear their past dues.



A summary of the Discom-wise Dues Outstanding (Other than Govt. Consumers) as on 31.03.2020 (for TPCODL, TPSODL & TPWODL) and 31.03.2021 (for TPNODL), Amount Collected and balance as on 30th Sep 2021 is provided below. It is submitted that the dues shall be updated, if required, as of the Effective dates for respective Residual Companies. It is further clarified that this data is based on consumer ledgers balances of respective Discoms.

Table 1: Position of Arrears - Discom Consumers (Other than Govt. Consumer Arrears)

ARREARS OF CONSUMERS (Other than Govt. Consumers)

All Amounts in Rs. Crore

Sl.No.	DISCOM	Voltage (LT/ HT/ EHT)	Principal Amount as on 31.03.20 (for TPCODL/ TPSODL/TPWODL) & 31.03.21 for TPNODL	LPSC Amount	Total Arrears	Amounts collected till Sep.'21	Adjustment on (Principal + LPSC) Amount	Balance	Ageing of Balance Arrears (I) as on 30.09.2021			
									<365 days	>=365 < 730 days (2 yr)	>=730 <1095 Days (3 yr)	>=1095 Days (>3 yr)
	A	C	D	E	F=D+E	G	H	I=F-G+H	J	K	L	M
1	TPWODL	EHT/HT	427.15	161.36	588.51	87.60	-34.07	466.83	0.00	305.63	106.20	55.00
2	TPSODL	HT	46.49	1.59	48.07	3.59		44.48	0.00	0.00	3.00	41.48
3	TPNODL	EHT/HT	553.52	340.53	894.06	17.73		876.32	5.36	77.42	135.90	657.64
4	TPCODL	EHT/HT	194.44	96.88	291.32	120.26		171.06	168.54	0.00	0.00	2.52
TOTAL (EHT/HT)			1221.60	600.35	1821.95	229.19	-34.07	1558.69	173.89	383.05	245.10	756.64
1	TPWODL	LT	3243.55	96.11	3339.66	166.69	-13.84	3159.12	0.00	2048.68	682.58	427.86
2	TPSODL	LT	1557.64	87.52	1645.16	157.13		1488.03	317.86	205.93	148.57	815.67
3	TPNODL	LT	1974.47	106.04	2080.51	134.80		1945.72	190.59	440.53	126.65	1187.94
4	TPCODL	LT	2017.29	95.35	2112.64	291.12		1821.52	649.41	45.25	64.02	1062.83
TOTAL (LT)			8792.95	385.01	9177.96	749.74	-13.84	8414.39	1157.86	2740.39	1021.83	3494.30
1	TPWODL	Total (EHT/HT + LT)	3670.70	257.47	3928.16	254.30	-47.91	3625.95	0.00	2354.31	788.78	482.86
2	TPSODL		1604.13	89.10	1693.23	160.72	0.00	1532.51	317.86	205.93	151.57	857.15
3	TPNODL		2527.99	446.57	2974.57	152.53	0.00	2822.04	195.95	517.95	262.55	1845.59
4	TPCODL		2211.73	192.23	2403.95	411.38	0.00	1992.58	817.95	45.25	64.02	1065.35
TOTAL			10014.55	985.37	10999.92	978.93	-47.91	9973.08	1331.76	3123.44	1266.93	4250.95

As is evident from above, there were very significant quantum of Dues on the respective Effective Dates when the Utilities of CESU, SOUTHCO, WESCO and NESCO were vested in the SPVs of TPCODL, TPSODL, TPWODL and TPNODL respectively.

The Discoms have made extensive efforts to realise these dues and is taking various actions such as approaching consumers with high values out-standings for out-of-court settlements, establishment of Standard Operating Procedure for settlement of erstwhile Utilities period dues with co-opting of GRIDCO nominees for high value settlements, appointment of auditors



to independently evaluate high value disputed cases and recommend their findings, etc., taking up matters through Alternate Dispute Redressal Mechanisms, etc.

The Petitioners are taking up pro-active measures to mitigate further accumulation of Consumer Dues, including implementation of State-of-Art Billing Engines (SAP ISU by TPCODL and Fluentgrid by the other three Discoms), establishment of automated Bill Quality Checks, efforts to minimise Provisional Billing with the objective of eliminating it eventually, appointment and close supervision of Bill Collectors, elimination of manual receipts to avoid any discrepancies/ malpractices in providing accurate credit to consumers, expanding manifold bill payment avenues, specifically in rural areas, etc.

However, for liquidating the past dues, specifically with reference to those which existed as on Date of respective Takeovers, viz. 30.05.2020 for CESU, 31.12.2020 for SOUTHCO & WESCO and 31.03.2021 for NESCO, the Discoms hereby propose a One Time Settlement (OTS) Scheme for clearance of Consumer (Other than Govt. Consumers) Dues. The proposed Scheme is in line with the proposal of OTS for Govt. Consumers which has already been filed through a Petition to the Hon'ble Commission, and is also in accordance with the principles and guidelines stipulated by the Hon'ble Commission in its OTS approval Order dated 20.07.2011.

2. Salient features of the proposed OTS Scheme is as follows:

I. Applicability:-

All categories of Consumers (Other than Govt Consumers which include public sector undertakings, urban local bodies, rural local bodies, co-operatives, autonomous organizations, LI points/Pani Panchayat etc.)

II. Applicability Period:-

120 days from date notified by the Discoms based on the Hon'ble Commission's approval of the Scheme

III. Eligibility Amount

Arrears outstanding as on the respective Effective Dates of Takeover of Discoms with no payment since takeover (viz. Arrears outstanding on 31.05.20 for CESU (TPCODL), 31.12.20 for SOUTHCO (TPSODL) & WESCO (TPWODL) and 31.03.21 for NESCO (TPNODL)

IV. Proposed Quantum of Rebate

Type of Consumers	Quantum of Rebate
Group A i.e. all LT Category of Consumers	<p>(i) DPS in full + 15% of the eligible amount if payment is made in three monthly instalments within the scheme period i.e. 50% +25%+25%</p> <p>(ii) DPS in full + 20% of the eligible amount if payment is made in two equal monthly instalments within the scheme period i.e. 50% +50%</p> <p>(iii) DPS in full + 25% of the eligible amount if payment is made at a time within the scheme period.</p>
Group 'B' Consumers i.e. all HT & EHT Consumers	<p>(i) 40% of DPS if payment is made in three monthly instalments within the scheme period i.e. 50% +25%+25%</p> <p>(ii) 50% of DPS if payment is made in two equal monthly instalments within the scheme period</p> <p>(iii) Full waiver of DPS if payment is made in full within scheme period in one instalment.</p>

- V. If disputed bill has been revised by the erstwhile or current Licensee and such revised amount is included in the arrear amount outstanding as on the effective date, such revised bill amount shall be excluded from such arrear and the balance arrear outstanding as on the date of filing application for OTS would be eligible for OTS as indicated at Sl. IV above.
- VI. A consumer shall be eligible to the benefit of the OTS as indicated above only if he has paid all the current bills in full raised during the period commencing respective



Effective Dates of Discoms before the date of filing the application for availing the benefit under OTS Scheme. However a consumer who has not paid the current bill fully as mentioned will be eligible to avail benefit under OTS scheme provided he pays at least 50% of the current bill as stated above at the time of application and gives an undertaking to clear the balance amount in instalments as approved by the DISCOM before the OTS benefit is sanctioned.

- VII. The Consumer shall be entitled to either avail benefit under the OTS Scheme or opt for revision of bills under the existing prescribed normal procedure. If a consumer opts for revision of bill he cannot avail the benefit under the OTS Scheme.
- VIII. Any waiver of electricity charges under the OTS shall also include proportionate waiver of electricity duty payable to Govt. of Orissa on such waived amount.
- IX. The OTS scheme would be applicable also to those Consumers whose case is pending with different courts of law, GRF / Ombudsman subject to the said consumer withdrawing the case from such court of law/ Forum/Ombudsman and submitting a notarised affidavit in prescribed format to having already withdrawn or confirming to withdraw within a time frame before their case is taken up for consideration under OTS Scheme.
- X. Consumers whose bills have already been revised through settlement/ through Court of Law/ GRF / Ombudsman or through normal grievance handling procedure shall not be eligible to get the benefit under OTS Scheme.
- XI. The Discoms shall be entitled to incentive on recovery of Arrears under the OTS Scheme as per the rates and conditions prescribed in Para 46 (b), Para 47(b), Para 43 (b) and Para 43 (B) of the Vesting Orders for TPCODL, TPSODL, TPWODL and TPNODL respectively.
- XII. The Discoms shall maintain a separate account of realisation made against the Arrears under the OTS Scheme, which, after retaining the incentive at '2 (XI)' above , shall be utilised by the Discoms as per provisions of the Discoms respective Vesting Order as mentioned in Paras referred to at Sl. No. 2 (XI) above.

3. Waiving off the maximum time period of two years (for resolution of disputed bills) as mentioned under Regulation 149 and 157 of the Supply Code,2019 :



- I. With regards to the resolution of the disputed bills ,the Supply Code,2019 provides for the following.

149. In the event, of any dispute in the billed amount, the consumer may lodge a complaint before the designated officer/agency as determined by the Licensee/supplier and pay at the average of last 6 months consumption or the billed amount whichever is less within due date pending settlement of the dispute. The licensee/supplier shall resolve the dispute or communicate its decision with reasons to the consumer within a maximum period of one month.

157. In case the consumer disputes any billing procedure, he/she may approach the licensee/supplier through complaint handling procedure for redressal of his grievances, which will be resolved within two weeks. In case he/she is not satisfied with the decision of the licensee/supplier in this regard he/she has the liberty to again approach the Grievance Redressal Forum or Ombudsman as per the relevant Regulations of OERC. However, the disputed bill can be revised upto the maximum period of two years in any of the Forum prior to the month in which disputed period of bill ends.

- II. The Hon'ble Commission, from time to time, has provided relaxation to the regulation 157 of The Supply Code,2019 by allowing resolution of disputed bills older than two years. The orders issued by the Hon'ble Commission in this matter are attached as **Annexure 2-4** to this letter. The relevant extract of the latest Order dated 06.01.2021 is as produced below.



Whereas, the Commission in its order No.684 dt.01.07.2020 had extended the deadline for resolution of disputed bill as per the old OERC Distribution (Conditions of Supply) Code, 2004 upto 31.10.2020.

Whereas, the matter was raised again in the State Advisory Committee Meeting dt.24.12.2020 to extend the deadline further in view of difficulties faced during COVID-19 situation.

Therefore, in partial modification to the above orders, it is hereby ordered that the licensee/ GRF/ Ombudsman can entertain the billing disputes whose duration is more than two years upto 31.01.2021 and resolve the same latest by 31.03.2021. Thereafter, the provision of Regulation 157 of OERC Distribution (Conditions of Supply) Code, 2019 shall be followed scrupulously.

This is in exercise of the power conferred under Regulation 201 of the OERC Distribution (Conditions of Supply) Code, 2019.

This order shall be implemented with immediate effect.

It is submitted that the aforesaid petition for implementation of the OTS scheme proposes the option to the consumer to either obtain relief under the OTS or continue as per the existing avenues of resolution of disputed bills as per the applicable regulations.

In view of the above it is submitted that in addition to approval of the proposed OTS scheme, the Hon'ble Commission may kindly consider relaxing the above conditions of two years as provided in the Supply Code, 2019 for all consumers in order to ensure maximum liquidation of past arrears. As can be seen from the Table-1 , balance arrear as on 30.09.2021 with more than two year ageing is 55% of the total balance .In this regard, unless the above timeline is waived off, it is unlikely that the introduction of OTS scheme on its own without addressing the two year cap issue may yield the desired liquidation of past arrears.

**GOVERNMENT OF ODISHA
FINANCE DEPARTMENT**

No. 34020 /F., Bhubaneswar, Date: 21.12.2020
FIN-WF2-MISC-0098-2020

NOTIFICATION

Sub: Settlement of arrear electricity charges of Government Departments till 31.3.2020.

State Government have undertaken a special drive for payment of pending dues of different MSMEs, Industries, Municipalities and Utilities vide Finance Department Letter No.15352/F dated 16.05.2020. In order to meet the requirement for settlement of arrear electricity dues of Government Offices against State Government receivables from GRIDCO, necessary Budget provision has also been made in 2020-21 (BE). Accordingly, Energy Department have come up with proposal for settlement of arrear electricity charges of Government Departments amounting to **₹250.14 crore** till 31.3.2020, which include arrear ED of ₹220.87 crore and delayed payment surcharge (DPS) of ₹29.23 crore.

2. **Arrear Electricity Dues:** The arrear ED payable by Government consumers till dt.31.03.2020 has been estimated at **₹220.87 crore**. This excludes outstanding ED payable by Public Sector Undertakings (PSUs), Autonomous Organisations and Local Bodies (ULBs & PRIs), which would be taken up separately with the concerned Administrative Departments.

3. **Delayed Payment Surcharge:** The regular rate of delayed payment surcharge (DPS) against payment of outstanding EDs beyond the due date is chargeable at 15%. However, DPS would be charged at the rate equivalent to the weighted average rate of interest charged by the State Government on loans extended to GRIDCO and DISCOMs as a matter of policy decision. Accordingly, the DPS to be charged on Government Offices has been worked out at 10.41%. Thus, the DPS payable @10.41% against the outstanding arrear amount of ₹220.87 crore has been estimated at **₹29.23 crore**. DISCOM-wise summary of outstanding ED against Government consumers and DPS chargeable at the weighted average rate in comparison to the normal rate is given in the following table:


₹ in crore

Utility	No of Consumers	Arrear ED	DPS @ 10.41%	Total Arrear including DPS
1	2	3	4	5 (3+4)
TPCODL	7194	52.32	4.93	57.28
NESCO	15088	73.75	12.61	86.36
WESCO	4821	39.66	6.48	46.14
SOUTHCO	10451	55.15	5.21	60.36
Total	37554	220.87	29.23	250.14

4. **Principles of settlement of arrear EDs:** The State Government is required to play the role of a model consumer and set an example for others in clearance of outstanding dues and timely payment of electricity dues to the DISCOMs. As such, the outstanding electricity charges of Government offices as on 31.3.2020 is to be adjusted on back-to-back basis against the receivables of State Government from GRIDCO on following principles –


- i. The outstanding electricity charges including DPS against Government Departments as on 31.3.2020 amounting ₹250.14 crore are to be set off against the interest / penal interest on NTPC Power Bond.
- ii. DPS is to be charged at the rate equivalent to the weighted average rate of interest charged by the State Government on loans extended to GRIDCO and DISCOMs, i.e. @ 10.41%.
- iii. This is a non-cash adjustment of arrear Government dues and hence no entity will have any fee or incentive in any manner on adjustment of this amount.
- iv. All Government Offices will not be required to make any payment towards Arrear Electricity Dues pertaining to the period up to 31.03.2020 which would be settled by Finance Department against the receivables of Government from GRIDCO.
- v. If any payment has been made after 01.04.2020 towards Arrear Electricity Dues by any Government Office, it is to be adjusted against the current Electricity Dues for the period beginning from 01.04.2020.
- vi. Electricity Dues from 01.04.2020 have to be paid by the Government Departments/ Offices in time and rebates be availed wherever admissible. Non-payment of electricity dues in time may lead to disconnection of electricity supply by the DISCOMs. Hence, no opportunity should be given to the DISCOMs to take coercive action through disconnection of power supply in case of default in payment of Electricity Dues for the period from 01.04.2020 onwards which would cause inconvenience to the public.
- vii. The adjustment for ₹250.14 crore would be made against the provision under the Head of Account "D.No.05/2052-Secretariat General Service/00-AE-EOM/090-Secretariat/ 0488-Finance Department/78487-One time settlement of arrear electricity dues" in 2020-21 (BE) on back-to-back basis.

5. The State Cabinet have approved the proposal for settlement of arrear Electricity Dues of Government Departments till 31.3.2020 vide PA Department Notification No.6095/PAD, dt.09.12.2020.


 21/12/2020
Principal Secretary to Government

Memo No. 34021 /F., dated 21.12.2020

Copy to Principal Accountant General (A&E), Odisha for kind information and necessary accounting adjustment.


21/12/2020
Joint Secretary to Government


Memo No. 34022 /F., dated 21.12.2020

Copy to PS to Chief Secretary / DC-cum-ACS for kind information of Chief Secretary / DC-cum-ACS.


21/12/2020
Joint Secretary to Government


Memo No. 34023 /F., dated 21.12.2020

Copy to Secretaries of all Departments for kind information and necessary action.


21/12/2020
Joint Secretary to Government


Memo No. 34024 /F., dated 21.12.2020

Copy to all Budget and Expenditure Branches of Finance Department for kind information and necessary action.


21/12/2020
Joint Secretary to Government


Memo No. 34025 /F., dated 21.12.2020

Copy forwarded to Gazette Cell of Commerce & Transport Department for publication in the Extraordinary Gazette Notification.


21/12/2020
Joint Secretary to Government

Memo No. 34026 /F., dated 21.12.2020

Copy forwarded to Portal-in-Charge, FID for publication in the website of Finance Department (<https://finance.odisha.gov.in/>).


21/12/2020
Joint Secretary to Government

**ODISHA ELECTRICITY REGULATORY COMMISSION
PLOT NO.4, CHUNOKOLI, SAILASHREE VIHAR
BHUBANESWAR - 751021**

No.OERC-Engg-92/2003(VIII)/1673

Dt. 06.11.2019

ORDER

Sub: Resolution of disputed bills.

Whereas, Regulation 157 of the OERC Distribution (Conditions of Supply) Code, 2019 says that the disputed bill can be revised upto the maximum period of two years in any forum prior to the month in which disputed period of bill ends.

Whereas, instances have come to the notice of the Commission that consumers are bringing very old billing complaints before the GRFs. Even many such old cases are pending before them. The provision in the newly introduced Supply Code has apparently placed them in a fix.

To overcome this problem in the transitional phase, it is hereby ordered that the licensee/GRF/Ombudsman may entertain the billing disputes older than two years upto 31.07.2020 and resolve those cases latest by 31.10.2020. Thereafter, the provision of Regulation 157 shall be followed scrupulously.

This is in exercise of the power conferred under Regulation 201 of the OERC Distribution (Conditions of Supply) Code, 2019.

This order shall be implemented with immediate effect.

By order of the Commission

Sd / -

SECRETARY

ODISHA ELECTRICITY REGULATORY COMMISSION
PLOT NO.4, CHUNOKOLI, SAILASHREE VIHAR,
BHUBANESWAR - 751021

No.OERC-Engg-92/2003(VIII)(Part)/684
Dt.01.07.2020

ORDER

Sub: Resolution of disputed bills.

Whereas, Regulation 157 of the OERC Distribution (Conditions of Supply) Code, 2019 provides that the disputed bill can be revised upto the maximum period of two years in any forum prior to the month in which disputed period of bill ends.

Whereas, the Commission vide its order No.1673 dt.06.11.2019 has directed that the licensee/ GRF/ Ombudsman may entertain the billing disputes older than two years upto 31.07.2020 and resolve those cases latest by 31.10.2020.

Whereas during quarterly review meeting of GRF/Ombudsman on 24.06.2020, it was brought before the Commission that due to COVID-19 lock down, the bill disputes older than two years can not be fully entertained by GRFs by 31.07.2020.

Therefore, in partial modification to the order No.1673 dt.06.11.2019, it is hereby ordered that the licensee/ GRF/ Ombudsman may entertain the billing disputes older than two years upto 31.10.2020 and resolve those cases latest by 31.01.2021. Thereafter the provision of Regulation 157 shall be followed scrupulously.

This is in exercise of the power conferred under Regulation 201 of the OERC Distribution (Conditions of Supply) Code, 2019.

This order shall be implemented with immediate effect.

By order of the Commission

Sd/-

SECRETARY

ODISHA ELECTRICITY REGULATORY COMMISSION
PLOT NO.4, CHUNOKOLI, SAILASHREE VIHAR,
BHUBANESWAR - 751021

No.OERC-Engg-92/2003(VIII)(Part)/33
Dt.06.01.2021

ORDER

Sub: Resolution of disputed bills.

Whereas, Regulation 157 of the OERC Distribution (Conditions of Supply) Code, 2019 provides that the disputed bill can be revised upto the maximum period of two years in any forum prior to the month in which disputed period of bill ends.

Whereas, the Commission in its order No.684 dt.01.07.2020 had extended the deadline for resolution of disputed bill as per the old OERC Distribution (Conditions of Supply) Code, 2004 upto 31.10.2020.

Whereas, the matter was raised again in the State Advisory Committee Meeting dt.24.12.2020 to extend the deadline further in view of difficulties faced during COVID-19 situation.

Therefore, in partial modification to the above orders, it is hereby ordered that the licensee/ GRF/ Ombudsman can entertain the billing disputes whose duration is more than two years upto 31.01.2021 and resolve the same latest by 31.03.2021. Thereafter, the provision of Regulation 157 of OERC Distribution (Conditions of Supply) Code, 2019 shall be followed scrupulously.

This is in exercise of the power conferred under Regulation 201 of the OERC Distribution (Conditions of Supply) Code, 2019.

This order shall be implemented with immediate effect.

By order of the Commission
Sd/-
SECRETARY

