

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram:

- 1. Shri Bhanu Bhushan, Member**
- 2. Shri R.Krishnamoorthy, Member**

Petition No. 108/2007

In the matter of

Petition under section 79 of the Electricity Act, 2003 read with regulation 35 of the Central Electricity Regulatory Commission (Open Access in Inter-State Transmission) Regulations, 2004

And in the matter of

1. Tata Power Trading Company Ltd. Mumbai
 2. Viswanath Sugars Ltd., Belgaum
- ..Petitioners**

Vs

1. Western Regional Load Dispatch Centre, Mumbai
 2. State Load Dispatch Centre, (Karnataka) Bangalore
 3. Karnataka Power Transmission Corporation Limited, Bangalore
 4. Hubli Electricity Supply Co. Limited, Hubli
- ... Respondents**

Petition No. 114/2007

In the matter of

Petition under section 79 of the Electricity Act, 2003 read with regulation 35 of the Central Electricity Regulatory Commission (Open Access in Inter-State Transmission) Regulations, 2004

And in the matter of

1. Ugar Sugar Works Ltd. Sangli
 2. Tata Power Co. Ltd., Mumbai
- ..Petitioners**

Vs

1. Karnataka Power Transmission Corporation Limited, Bangalore
 2. Hubli Electric Supply Company Ltd., Hubli
 3. Western Regional Load Dispatch Centre, Mumbai
 4. State Load Dispatch Centre, (Karnataka) Bangalore
- Respondents**

The following was present:

1. Shri Rana S. Biswas, Advocate, TPTCL, VSL & USL
2. Ms. Ruchika Rathi, Advocate, TPTCL, VLS & USL
3. Shri M.Kumar, VSL
4. Shri Binoy Parol, TPTCL
5. Shri D. Radhakrishna, Consultant, USL
6. Smt. Deshrgu Rekha, USL
7. Shri R.V. Shirdhokar, USL
8. Shri S.C. Tolly, USL
9. Shri C.J.Bhatia, TPTCL

ORDER
(DATE OF HEARING: 25.9.2007)

In both these petitions, the petitioners seek directions to the respondents to grant them open access in the month of October 2007 for conveyance of electricity from the captive power generating stations situated in the State of Karnataka to other States in Western Region. The petitioners' grievances in both these cases are similar.

2. Petition No.108/2007 was heard on 18.9.2007 when learned counsel for the petitioner also referred to the other petition (Petition No.114/2007) filed by him and pressed for early hearing of both the petitions, in view of the urgency involved. We had acceded to the prayer of learned counsel on his giving an undertaking that he would inform the respondents of the next date of hearing, i.e. 25.9.2007 and also to serve copy of Petition No.114/2007.

3. Learned Counsel for the petitioners has informed that copies of petitions in both the cases were served on the respondents and they were also informed of the date fixed by the Commission for hearing of these matters by fax message dated 21.9.2007. Learned counsel has stated that he will file affidavit to this effect during the course of the day.

4. We find that none is present on behalf of the respondents in both these cases. Learned counsel has pressed for ex parte hearing, since according to him, the transfer of electricity is to take place from 1.10.2007.

5. In matters of this kind, we are not inclined to proceed against the respondents ex parte, for the reason that sufficient time was not available to them, as they were given intimation only on 21.9.2007, as stated by learned counsel.

6. List these petitions on 16.10.2007 for further directions and issue notices to all the respondents also. Meanwhile, the respondents may file their reply.

7. At this stage, we may add that the respondents may reconsider the petitioners' request for grant of open access in accordance with the provisions of the Electricity Act, 2003 and the regulations for grant of open access specified by the Commission. The petitioners shall forthwith deposit the balance filing fee of Rs.80,000/- in each case.

Sd/-
(R. KRISHNAMOORTHY)
MEMBER

Sd/-
(BHANU BHUSHAN)
MEMBER

New Delhi dated the 25th September 2007