

**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. Vishwanath 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**

Petition No.116/2007

In the matter of

A 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. Shree Doodhaganga Krishna Sahakari Sakkare Karkhane Niyamit,
Chikodi

2. Tata Power Co. Ltd., Mumbai ...Petitioners
Vs
1. The Karnataka Power Transmission Corporation Ltd., Bangalore
2. Hubli Electric Supply Company Ltd., Hubli
3. Western Regional Load Dispatch Centre, Mumbai
4. State Load Dispatch Centre, BangaloreRespondents

The following was present:

1. Shri Sanjay Sen Advocate, TPTCL, VSL & USL
2. Ms. Ruchika Rathi, Advocate, TPTCL, VLS & USL
3. Shri Anand K. Ganesan, Advocate, KPTCL
4. Ms. Swapna Seshadri, Advocate, KPTCL
5. Shri Binoy Parol, TPTCL
6. Shri Mukesh Kumar, VSL
7. Shri S.S.Sardesai, USWL

**ORDER
(DATE OF HEARING: 16.10.2007)**

In these petitions, the petitioners seek directions to the respondents to grant open access 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 all these cases are similar.

2. Heard learned counsel for the petitioner and KPTCL. Learned counsel for KPTCL has requested for a short adjournment. He was reminded that open access for captive generation cannot be blocked, as per provisions under the Electricity Act, 2003, particularly after its amendment in May 2007.

3. The petitioners pleaded for early resolution of the matter since the sugar making season had started, their co-generation plants were working, and surplus power was perforce being fed into the State grid without any assurance about any payment for it. We can well appreciate their plight. Since co-generation is very efficient and renewable form of electricity generation, it must be encouraged. We would, therefore, urge the concerned Karnataka utilities to

formalize and account the absorption of the petitioner's injection into the State grid as Unscheduled Interchange (UI) till its injection is taken into the grid on scheduled basis under open access or agreed purchase by a Karnataka utility.

4. Request made by the learned counsel of KPTCL is allowed. List on 23.10.2007 for further directions. Meanwhile, the respondents may file their replies with copy to the petitioners.

5. The petitioners shall deposit the balance filing fee of Rs. 80,000/- in Petition No. 116/2007 before the next date of hearing.

Sd-/
(R. KRISHNAMOORTHY)
MEMBER
New Delhi dated the 18th October 2007

sd-/
(BHANU BHUSHAN)
MEMBER