

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Coram**

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

**Petition No. 10/2008**

**In the matter of**

Open Access for inter-State transmission of power generated by Nava Bharat Ventures Ltd through M/s. Reliance Energy Trading Ltd, to the distribution utilities in Andhra Pradesh.

**And in the matter of**

Nava Bharat Ventrues Ltd, Hyderabad.

**.... Petitioner**

Vs

1. Southern Regional Load Despatch Centre, Bangalore
2. Eastern Regional Load Despatch Centre, Kolkata
3. Orissa Power Transmission Corporation Ltd., Bhubaneswar
4. State Load Despatch Centre, Orissa, Bhubaneswar
5. Reliance Energy Trading Ltd., New Delhi
6. Eastern Regional Power Committee, Kolkatta

**....  
Respondents**

**ORDER**

Nava Bharat Ventures Limited, has through this application sought *inter alia* direction to respondents No. 4, 2 and 1 for grant of open access for the period from 1.2.2008 to 29.2.2008 for 25 MW generated by it and injected at the petitioner's interconnection with Orissa STU for transmission to the Andhra Pradesh STU interconnection with SR-ISTS in terms of application dated 28.1.2008 of Reliance Energy Trading Ltd.

2. The petitioner had earlier approached this Commission seeking *inter alia* a direction to allow open access to Respondent No.5, Reliance Energy Trading Ltd, (hereinafter referred to as "Reliance") upon application for transmission of power generated by the petitioner to the extent of 25 MW for the period from 7.1.2008 to 31.1.2008, and 50 MW from 1.2.2008 to 29.2.2008 and subsequent periods, injected at the petitioner's interconnection with Orissa STU for drawal at the interconnection of the Andhra Pradesh STU with the Southern Region inter-State transmission system, subject only to congestion considerations. The petition was registered as Petition No. 156/2007. On going through the pleadings and upon hearing the parties, the Commission disposed off the matter vide its orders dated 31.12.2008 with the following directions:

"Accordingly, we direct that open access be allowed as required by Reliance since there are no transmission constraints and surplus transmission capacity is available on the intra-State transmission system as noted from the response of Orissa State Load Despatch Centre on the letter enclosed with Southern Load Despatch Centre's letter dated 26.10.2007. It was also confirmed by the representatives of Southern Regional Load Despatch Centre and Eastern Regional Load Despatch Centre at the hearing on 11.12.2007 that there would be no transmission constraints in the Inter-State transmission system that may normally come in the way of open access applied for. We, therefore, call upon the Regional Load Despatch Centres concerned to schedule the transaction applied for, even if the application/clearance is received after the normal cut-off date in the present case, subject of course to availability of spare transmission capacity. "

3. The petitioner has vide its petition made the following submissions:

(a) Subsequent to the Commission order dated 31.12.2007 in Petition No. 156/2007, respondent No. 5 herein, made an application dated 4.1.2008 to respondent No 1 seeking short term open access for

the period from 7.1.2008 to 31.1.2008 for 25 MW generated by the petitioner injected at the petitioner's inter-connection with Orissa STU for transmission to the Andhra Pradesh STU interconnection with SR-ISTS.

(b) A request for consent for the short term open access in terms of the aforesaid application was issued under Ref No. SRLDC/RCON/1257 dated 4.1.2008 by respondent No 1 to respondent No. 2 who forwarded it to respondent No. 4 for consent.

(c) Respondent No 4 vide its note dated 5.1.2008 intimated that the request for consent could not be accepted due to the following reasons:

(i) As per the provision under chapter 4.11, 10.5 of OGC Rule 2006 and the order dated 29.10.2007 passed by the Hon'ble OERC, the real time data of the CGP, (M/s NBVL) is yet to be received at the SLDC control room.

(ii) In the absence of real time data monitoring facility, SLDC cannot comply with the OGC provision under chapter 3.4(9) during contingency condition.

(d) The petitioner has installed all the facilities for PLCC and the same was commissioned and tested by respondent No. 3 on 24.1.2008.

(e) Another application for open access has been made by respondent No. 5 on 28.1.2008 for short term open access for the period from 1.2.2008 to 29.2.2008 for 25 MW generated by the petitioner, injected at the petitioner's inter-connection with Orissa STU for transmission to the Andhra Pradesh STU interconnection with SR-ISTS.

4. In view of the urgency of the matter, we have decided to examine this issue by circulation.

5. It is seen from the endorsement of respondent No. 4 on Ref No. SRLDC/RCON/1257 dated 4.1.2008 of respondent No. 1 that the only objection by respondent No. 4, for grant of short term open access is the absence of real time monitoring system. The petitioner vide para 8 of the petition has confirmed that requisite facilities for PLCC have been installed, commissioned and tested by respondent No. 3 on 24.1.2008. Accordingly, there cannot, now be any legitimate or genuine ground for rejection of the request for short term open access for the period from 1.2.2008 to 29.2.2008 for 25 MW generated by the petitioner, injected at the petitioner's inter-connection with Orissa STU for transmission to the Andhra Pradesh STU interconnection with SR-ISTS..

6. Pending further submissions by the parties, we therefore urge respondent No. 4 to convey its consent to respondent No. 2 at the earliest possible, to enable scheduling the transaction applied for, irrespective of the

fact that normal time limit for the application is over, subject only to the availability of spare transmission capacity.

7. Respondents may file their reply by 15.2.2008; rejoinder if any may be filed by 25.2.2008.

Sd/= **(R. KRISHNAMOORTHY)**  
**MEMBER**

Sd/= **(BHANU BHUSHAN)**  
**MEMBER**

**New Delhi dated 30<sup>th</sup> January 2008**