

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram

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

**Petition No. 18/2008
with I.A. No. 1/2008**

In the matter of

Petition for directions to the respondents for grant of open access.

And in the matter of

1. Tata Power Trading Company Ltd., Mumbai
2. Davanagere Sugar Company Ltd., Davanagere**Petitioner**

Vs

1. Karnataka Power Transmission Corporation Ltd., Bangalore
2. Bangalore Electric Supply Company Ltd., Bangalore
3. Western Regional Load Despatch Centre, Mumbai
4. State Load Despatch Centre., Bangalore**Respondents**

Following were present:

1. Shri Prabhuling Navadgi, Advocate, TPTCL and DSCL
2. Shri M.G.Ramachandran, Advocate, KPTCL
3. Shri Anand K. Ganesan, Advocate, KPTCL
4. Ms. Ruchika Rathi, Advocate, KPTCL
5. Shri V. Hiremath, KPTCL

**ORDER
(DATE OF HEARING: 10.4.2008)**

The application has been made with the prayer, *inter alia*, for direction to the respondents for grant of open access in accordance with the provisions of the Electricity Act, and the contract between the appellants *inter se*. IA No.1/2008 is made for ad interim directions.

2. We have heard the learned counsel for the parties.
3. Earlier, certain applications were filed before the Commission for similar direction as noted above. These applications were decided by order dated 3.12.2007 in Petition Nos.108/2007, 114/2007 and 116/2007, against which an appeal, being Appeal No.6/2008, was filed before the Appellate Tribunal, who vide its order dated 1.4.2008 has disposed of the appeal as under:

“With the consent of the parties, the following order is passed:-

The Appellant may approach the Karnataka Electricity Regulatory Commission for matters relating to the rights of the appellant and the obligations of the Respondent-Generating companies under the Power Purchase Agreements including for interim orders for supply of power to the appellant, as per the rights claimed by the appellant but denied by the Respondent-Generating Companies.

In the event any such petition is filed, the State Commission shall consider the same uninfluenced in any manner by the impugned orders of the Central Commission, expeditiously, in accordance with law.

Subject to the above, the impugned order is not interfered with in these appeals but the issues decided shall not be considered as a precedent in any other case. The existing open- access arrangement between the parties shall continue in the meanwhile.

The appeals are disposed of in terms of the above.”

4. The present application is also disposed of in terms of the Commission’s said order dated 3.12.2007 read with Appellate Tribunal’s order dated 1.4.2008. With the disposal of the main application, IA does not survive and also stands disposed of accordingly.

Sd/-
(R. KRISHNAMOORTHY)
MEMBER

Sd/-
(BHANU BHUSHAN)
MEMBER

New Delhi dated the 10th April 2008