

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram

- 1. Dr. Pramod Deo, Chairperson**
- 2. Shri S.Jayaraman, Member**
- 3. Shri V.S.Verma, Member**

Petition No. 315/2009

In the matter of

Petition under Section 79(1) (C), (F) and (k) read with Section 11(1) of the Electricity Act, 2003 read with regulations 26 of the CERC (Open Access in inter-State in Transmission) Regulations, 2008.

And in the matter of

Vendanta Aluminum Limited, Bhubaneswar

..Petitioner

Vs

State Load Despatch Centre, Orissa Power Corporation Ltd. **.. Respondent**

**ORDER
(DATE OF HEARING: 22.12.2009)**

This petition has been filed against the denial, by the respondent, of open access sought by the petitioner. The petitioner has sought the following reliefs through the present petition:

- (a) Hold and declare the communication No. SGM(PS)-129/2008/2258(5) dated 1.12.2009 issued by the Sr. General Manager (Power System) of the Respondent No. 1 to the petitioner as illegal and contrary to Open Access Regulations framed by this Hon'ble Commission as amended from time to time;

(b) Set aside the impugned communication No. CEE SGM(PS)-129/2008/2258(5) dated 01.12.2009 issued by Sr. General Manger (Power System) of the Respondent No. 1 to the petitioner ;

(c) Issue suitable and appropriate directions to the jurisdictional Load Dispatch Centre (1 respondent herein) to consider the Open Access application filed by the petitioner, strictly in accordance with law under the provisions of the Central Electricity Regulatory Commission (Open Access in inter-state transmission) Regulations, 2008, as amended from time to time, for supply of energy from the petitioner's plant;

(d) Issue suitable and appropriate directions to the jurisdictional Load Despatch Centre (Respondent No. 1 herein) to allow the open access application No. VAL/OPTCL/275 dated 25.11.2009 filed by the petitioner strictly in accordance with law under the provisions of the Central Electricity Regulatory Commission (Open Access in Inter-State Transmission) Regulations, 2008 as amended from time to time for supply of energy from the petitioner's plant and grant No. Objection for export of 200MW power on RTC basis (Point of Evacuation – VAL, Jharsuguda; Point of Connection – 220 kV OPTCL Grid substation at Budhipadar); and

(e) Issue suitable and appropriate direction to the Respondent No. 1 not to refuse the future Application of Petitioner for Short term Open Access on the grounds contained in communication No. SGM(PS) -129/2008/2258(5) dated 01.12.2009 issued by the Sr. General Manager (Power System) of the Respondent No. 1 .

2. Heard learned counsel for the petitioner on admission.
3. Admit.

4. The petitioner is directed to serve copy of the petition on the respondent. The respondent may file its reply by 29.12.2009, with an advance copy to the petitioner. Rejoinder, if any, may be filed by 6.1.2010. Desti notice is permitted.

5. List on 7.1.2010.

Sd/-
(V.S.VERMA)
MEMBER

New Delhi dated the 23rd December 2009

Sd/-
(S.JAYARAMAN)
MEMBER

Sd/-
(DR.PRAMOD DEO)
CHAIRPERSON