

Central Electricity Regulatory Commission New Delhi

Record of Proceedings

Subject : Petition under Section 79 of the Electricity Act, 2003.

Petition No. 265/2009

Petitioner : M/s GEM Sugars Limited
Respondents : KPTCL, HESCOM, SLDC Karnataka, RETC Ltd

Petition No. 266/2009

Petitioner : M/s Bannari Amman Sugars Ltd (BASL)
Respondents : KPTCL, CESCO, SLDC Karnataka.

Date of Hearing : **16.3.2010**

Coram : Dr. Pramod Deo, Chairperson
Shri S.Jayaraman, Member
Shri V.S.Verma, Member
Shri M.Deena Dayalan, Member

Parties present : Shri Prabhuling K. Navadgi, Advocate for petitioner
Shri Rajesh Mahale, Advocate for petitioner
Shri Anand K. Ganesan, Advocate for respondent No.3
Shri G.Vyas, BASL

The petitioner has filed this petition challenging the communications dated 16.10.2009 and 24.8.2009 issued by respondent No.3 (SLDC, Karnataka) as illegal and contrary to open access regulations of the Commission and seeking directions on the SLDC to consider the open access applications strictly in accordance with law.

2. The learned counsel for the petitioner submitted that the present case was similar to the matter in Petition No. 155/2009 and other connected petitions which had been disposed of by the Commission by order dated 11.12.2009 and prayed that the Commission may issue a similar order in the present petition.

3. The learned counsel for the respondent No.3 pointed out that the order of the Commission in similar petitions as referred to by the counsel for the petitioner has been stayed by the Hon'ble High Court of Karnataka and submitted that the Commission may not pass any order in the present petition till the disposal of the said Writ Petitions.

4. The Commission directed the counsel for the respondent No.3 to file the orders of the High Court as referred to, with an explanatory note as to how the actions of SLDC are supported by the interim orders of the Hon'ble High Court in that case, latest by 13.4.2010.
5. Matter to be re-notified on 20.4.2010.

Sd/-
T.Rout
Joint Chief (Law)