

Central Electricity Regulatory Commission New Delhi

Record of Proceedings

Petition No. 267/2009

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

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

Petitioner : M/s Renuka Sugars Ltd (RSL)

Respondents : SLDC Karnataka.

Parties present : Shri Prabhuling K. Navadgi, Advocate for petitioner
Shri Rajesh Mahale, Advocate for petitioner
Shri Anand K. Ganesan, Advocate for respondent

The petitioner has filed this petition challenging the communication dated 3.11.2009 issued by the respondent as illegal and contrary to open access regulations of the Commission and seeking directions to the SLDC to consider the open access applications strictly in accordance with law.

2. The learned counsel for the petitioner submitted that the grant of open access by the respondent with the condition that the petitioner should submit an undertaking to the effect that (a) if the power is supplied in excess to the approved schedule, payment shall be made at the tariffs determined by the State Commission (KERF) for co-generation plants as per PPA, and (b) if the power injected was 5% less than the approved schedule and continues for more than three time block in the month, the permission would be withdrawn, was in violation of clauses 4 and 5 of Regulation 20 of the Central Electricity Regulatory Commission (Open Access in inter-state transmission) Regulations, 2008.

3. The learned counsel for the respondent objected to the submissions of the petitioner and submitted that the provisions of the Electricity Act or the Regulations specified by the Commission with regard to open access do not prohibit any statutory directions to be given by the respondent to the generating companies in the interest of grid stability and operations.

4. The Commission directed the counsel for the respondent to file an affidavit, with copy to the petitioner, explaining as to how the non-compliance of the conditions imposed by the respondent are in violation of the integrated operations of the grid, latest by 13.4.2010.

5. Matter to be re-notified on 20.4.2010.

Sd/-
T.Rout
Joint Chief (Law)
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