

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 14 of 2011**

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

**Date of Hearing: 19.5.2011**

**Date of Order: 8.6.2011**

**In the matter of:**

Gaming by M/s Gujarat Fluorochemicals Ltd., NOIDA and misuse of grant of open access and violation of CERC (Unscheduled Interchange Charges and related matters) Regulations, 2009

**And**

**In the matter of:**

Rajasthan Rajya Vidyut Prasaran Nigam Ltd. (RRVPNL) ..... **Petitioner**

**Vs**

M/s Gujarat Fluorochemicals Ltd., NOIDA ..... **Respondent**

**The following were present:**

1. Shri Aditya Madan, Advocate for the petitioner
2. Shri V. K. Gupta, RRVPNL
3. Shri S. K. Jain, RRVPNL
4. Shri Dinesh Khandelwal, RRVPNL

**INTERIM ORDER**

The petitioner, Rajasthan Rajya Vidyut Prasaran Nigam Limited which has been authorized to operate the State Load Despatch Centre in Rajasthan has submitted that electricity generated from the 12 MW wind farm of the respondent, Gujarat Fluorochemicals Limited, is injected at 132 kV GSS Jaisalmer through 33 kV Saida II feeder. The petitioner has submitted that the respondent has been seeking no objection certificates for short term open access in inter-State transmission on



monthly basis for which daily schedule is being processed by National Load Despatch Centre/Northern Regional Load Despatch Centre. The petitioner has been issuing no objection certificate in compliance with the order of the Commission dated 27.8.2008 in Petition No. 60/2008. However, the respondent has been misusing the permission for open access by resorting to deliberate gaming.

2. The petitioner has further submitted that the respondent is selling power more than its generation capacity in kWh terms knowingly and making undue commercial gains through unscheduled inter-change charges. The petitioner has placed on record at Annexure-IV to the petition the details of UI account for the period 1.4.2009 to 31.3.2010 alongwith scheduled injections (LU) as per open access and the actual injection (LU) made by the respondent during that period. The petitioner has submitted that as per the scheduling and dispatch procedure followed by NRLDC, the electricity as per the schedule of the respondent is reduced from the drawal schedule of the State and on account of under-injection by the respondent, the same is reflected as overdrawal by the State. Consequently, the distribution companies of the State are purchasing power at higher cost to avoid overdrawal. The petitioner has further submitted that the respondent is violating the limit of under-injection on time block basis as well as on daily aggregate basis specified in Regulation 7(2) of the Central Electricity Regulatory Commission (Unscheduled Interchange charges and related matters) Regulations, 2009 (hereinafter "UI regulations").

3. Learned counsel for the petitioner submitted that the instances of gaming were brought to the notice of the Appellate Tribunal for Electricity during the hearing of the



Appeal No.66 of 2009. The Appellate Tribunal in its order dated 3.8.2010 has observed as under:

“Therefore, it is for the Appellant to approach the Central Commission and seek for necessary action by placing the materials to prove its plea. In that event, the Central Commission may give an opportunity of hearing to both the Applicant and Respondent No.2 before considering the said issues and pass order in accordance with law.”

Accordingly, the petitioner has filed this petition seeking a direction to penalize the respondent for resorting to deliberate gaming in violation of UI regulations, to allow the petitioner to refuse the open access to the respondent whenever there is a variation of more than 30% from the schedule and to limit the total energy sale by the respondent as per the capacity utilization factor for the wind farm.

4. After considering the submission of the petitioner, we admit the petition and direct the petitioner to serve a copy of the petition on the respondent who shall file its reply by 20.6.2011 with copy to the petitioner who may file its rejoinder, if any, by 30.6.2011. The petitioner shall also supply copy of its petition to the National Load Despatch Centre and Northern Regional Load Despatch Centre.

5. We further direct that in the mean time, the Northern Regional Load Despatch Centre in consultation with National Load Despatch Centre (with regard to the sale of power by the respondent on the power exchanges) shall investigate the matter and submit its report by 30.6.2011 on the allegations made by the petitioner in the petition.

6. The matter shall be listed for hearing on 21.7.2011.

Sd/-  
**(M.Deena Dayalan)**  
Member

Sd/-  
**(V.S.Verma)**  
Member

Sd/-  
**(Dr. Pramod Deo)**  
Chairperson

