

**Central Electricity Regulatory Commission
New Delhi**

I.A. No. 11/2012 in Petition No.14/MP/2011

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

Date of Order: 20.3.2012

In the matter of

Gaming by M/s Gujarat Fluorochemicals Limited, Noida (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),Jaipur ... **Petitioner**

Vs

M/s Gujarat Fluorochemicals Limited, Noida **Respondents**

ORDER

The petitioner, RRVPNL has filed this petition with specific prayers as under:

- (a) To penalize the respondent for violation of CERC (Unscheduled Interchange charges and related matters) Regulations, 2009 and resorting to deliberate gaming;*
- (b) Pass appropriate order allowing the petitioner to refuse the open access for inter-state open access to the respondent whenever there is variation of more than 30% from the schedule.*
- (c) To limit the total energy sale by the respondent as per the capacity utilization factor (CUF) for wind farms;*
- (d) Pass such other and further orders/directions as the Hon'ble Commission may deem appropriate in the facts and circumstances of the case.*

2. The matter was heard on 7.2.2012 and the Commission reserved its order in the petition. The relevant portion of the Record of Proceedings (ROP) held on 7.2.2012 is extracted as under:

"The learned counsel for the respondent requested for a short adjournment which was opposed by the learned counsel for the petitioner. The Commission observed that the respondent had sought several adjournments during the last six months and decided no further adjournment can be granted. The Commission decided to hear the matter.

2. The learned counsel for the petitioner submitted as under:

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xxxxxxx

3. Learned counsel for the Respondent did not advance any argument on the merit of the case.

4. The Commission directed the respondent to file its reply, if any, on affidavit by 17.2.2011, with advance copy to the petitioner. The petitioner may file its rejoinder, if any, on or before 29.2.2011.

5. After hearing the learned counsel for the petitioner, the Commission reserved the order."

3. The matter was mentioned by the learned Senior Counsel for the respondent on 28.2.2012 for re-opening the petition for hearing. The Commission permitted the learned Senior Counsel to file an appropriate application in this regard. Accordingly, the respondent has filed the instant application with prayer to hear the matter and accordingly, grant opportunity to the respondent to make its submissions. With regard to the observations of the Commission regarding several adjournments sought by the respondent during the last six months, it has been submitted that the respondent had sought adjournment only once for the hearing scheduled on 17.11.2011 due to the absence of the Senior Counsel, which was accordingly allowed by the Commission. The respondent has further submitted that the adjournment of the hearing on 7.2.2012 was sought for as the learned Senior Counsel for the respondent was on his legs before the Hon'ble Supreme Court and when the same was refused by the Commission, pass over was sought for, which was also refused. Thus, it has been submitted that the delay in proceedings cannot be attributable to the respondent.

4. Considering the commitment of the learned Senior Counsel for the respondent in the Supreme Court on 7.2.2012, for which he could not appear before the Commission when the matter was called, we direct that the petition shall be listed for hearing on 27.3.2012. Notices to all parties may be issued accordingly.

5. The interlocutory application (I.A.No.11/2012) is accordingly disposed of.

Sd/-
[M.DEENA DAYALAN]
MEMBER

Sd/-
[V.S.VERMA]
MEMBER

Sd/-
[S.JAYARAMAN]
MEMBER

Sd/-
[DR.PRAMOD DEO]
CHAIRPERSON