

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Record of Proceedings

Petition No. 124/MP/2012

Subject : Petition under Section 79 (1) (c) of the Electricity Act, 2003 and Regulation 26 of Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008.

Date of hearing : 24.5.2012

Coram : Shri S.Jayaraman, Member
Shri V.S.Verma, Member
Shri M.Deena Dayalan, Member

Petitioner : Falcon Tyres Limited, Mysore

Respondent : State Load Despatch Centre, Karnataka

Parties present : Shri Shridhar Prabhu, Advocate for the petitioner
Shri Ananathanrayana, Advocate for the petitioner

The petitioner, Falcon Tyres Limited has filed petition with following prayer:

- (a) Declare that the Respondent has no authority under law to collect Back-up power supply charges from the petitioner under the Karnataka Electricity Regulatory Commission (Terms and Conditions for Open Access) (First Amendment) Regulations, 2006, in an inter-State Open Access transaction being governed by the provisions of the Regulations frame by Commission;
- (b) Consequently, declare that the provisional bill issued by the respondent vide Bill No. OA/UI/SLDC/257 dated 20.8.2011 is illegal, untenable and opposed to the Electricity Act, 2003, Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008 and Regulations, 2009 and set aside the same;
- (c) Consequently, direct the respondent to refund the amount paid, along with 1% per month from the date of payment up to the date of refund along with interest, in full;

(d) Declare that the action of the Respondent in withholding the legitimately payable UI charges withheld from petitioner, in gross violation of the regulations framed by the Commission are illegal, untenable and bad in law;

(e) Direct the respondent to refund the excess UI charges collected and illegal UI charges withheld from the petitioner in violation of Regulations, 2009, along with an interest rate of one percent per month, from the date when it was collected from the petitioner, up to the date of refund, in full; and

(f) Direct the respondent to pay the cost of the petition.

2. After hearing the learned counsel of the petitioner, the Commission directed to admit the petition and issue notice to the respondent.

3. The Commission directed the petitioner to serve copy of the petition to the respondent immediately who may file its response by 15.6.2012 and petitioner may file its rejoinder, if any, on or before 28.6.2012.

4. The petition shall be listed for hearing on 12.7.2012.

By order of the Commission,

Sd/-
(T. Rout)
Joint Chief (Law)