

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.14/2011  
with I.A.No. 21/2011**

**Sub:** Gaming by M/s Gujarat Fluorochemicals Limited, Nodia (Misuse of grant of open access and violation of CERC (Unscheduled Interchange Charges and related matters) Regulations, 2009.

Date of hearing : 7.2.2012

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

Petitioner : Rajasthan Rajya Vidyut Prasaran Nigam Ltd.

Respondent : M/s Gujarat Fluorochemicals Limited, Nodia.

Parties present : Shri Aditya Madan Advocate for the RRVPNL  
Shri S.K.Jain, RRVPNL  
Shri Dinesh Khandelwal, RRVPNL  
Shri Ambica Garg, Advocate, GFL  
Miss Joyoti Prasad, NRLDC

**Record of Proceedings**

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:

(i) 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 had observed as under:

*"Therefore, it is for the Appellant to approach the Central Commission and seek for necessary action by placing the material 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."*

(ii) Accordingly, this petition has been filed seeking a direction to penalize the respondent for resorting to deliberate gaming in violation of Central Electricity Regulatory Commission (Unscheduled Interchange charges and related matters) Regulations, 2009 (hereinafter referred to as "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.

(iii) The learned counsel further submitted that as per the scheduling and dispatch procedure followed by NRLDC, the electricity as per the schedule is reduced from the drawl schedule of the State. Due to under injection by the respondent, the same is reflected as the overdrawal by the State and due to this reason, the Commission vide its order dated 23.9.2011 in Adjudication Case No. 4/2010 had penalized the petitioner for overdrawing from the grid by considering overdrawal in each of the time block as a separate incidence.

(iv) In terms of the Regulation 2 (1) (ee) of UI Regulations, the respondent has gained out of the open access granted.

(v) The respondent was giving schedule of injection during the months of April, 2009 to March, 2010 of 725.74 lakh unit whereas the actual injection was 248.63 lakh unit. There was under injection in the range of 26% to 75%.

(vi) In terms of Regulation 7 of UI Regulation, the respondent has violated the limit of under injection on time block basis as well as on daily aggregate basis such as violation of 12% limit in a time block and 3% limit in a day.

(vii) The respondent should be punished with the same yardstick as other for overdrawal from the grid under Section 142 of the Electricity Act, 2003;

(vii) As per the report dated 8.8.2011 submitted by NRLDC, there was net gain by the respondent by ₹ 1048 lakh and per the reported dated 14.9.2011, there was net loss to the petitioner by ₹ 870 lakh.

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.

**By Order of the Commission**

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