

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 4/MP/2012 with I.A.No. 3/2012

Sub: Petition under Sections 79 (1) (c), 79(1) (f) and 142 of the Electricity Act, 2003 read with Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008.

Date of hearing : 30.8.2012

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

Petitioner : Aarti Steels Limited, Cuttack

Respondents : Orissa State Load Despatch Centre , Bhubaneswar
GRIDCO Limited, Bhubaneswar
Indian Energy Exchange, New Delhi
National Load Despatch Centre, New Delhi

Parties present : Shri Sanjay Sen, Advocate for the petitioner
Shri Rajiv Yadav, Advocate for the petitioner
Shri Gulshan Rai, ASL
Shri R.K.Mehta, Advocate for SLDC, Orissa
Shri Antaryami Upadhyay, Advocate for SLDC, Orissa
Shri R.B.Sharma, Advocate, GRIDCO

Record of Proceedings

Learned counsel for SLDC, Odisha submitted that the SLDC has granted No objection for open access to the petitioner for the period from 1.9.2012 to 30.9.2012 and placed on record a copy of the NOC. Learned counsel requested for some time to file certain documents and the reply in connection with the claim of the petitioner for compensation.

2. The Commission desired to know from learned counsel for the petitioner regarding the provision of the Act or Regulations under which claim for compensation for denial of open access is admissible. Learned counsel for the

petitioner submitted that power of the Commission under Section 79(1) (f) of the Electricity Act, 2003 to adjudicate the dispute also includes the power to award compensation to the affected parties. In this connection, he relied upon the Judgment of Hon`ble Supreme Court in *Gujarat Urja Vikas Nigam Ltd Vs. Essar Power Ltd* {(2008) 4 SCC 755} and prayed that the matter be referred to arbitration. The prayer was opposed by the learned counsel for the SLDC, Orissa.

3. The learned counsel prayed for time to file its written submissions on the issue of compensation including the legal provisions regarding the power of the Commission to grant compensation on open access matters, which was allowed.

4. The Commission directed the learned counsel for SLDC, Orissa to file its reply on affidavit on or before 12.9.2012, with an advance copy to the petitioner. The petitioner may file its rejoinder by 21.9.2012.

5. The petition shall be listed for hearing on 27.9.2012.

By order of the Commission

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