

**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 : 5.7.2012

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, Odisha would grant No objection for open access in terms of petitioner`s last application dated 29.6.2012. The learned counsel sought adjournment on account of his commitment in the Hon'ble Supreme Court.

2. Learned Counsel for the petitioner submitted that SLDC Odisha be directed to file the compliance report with regard to grant of open access on affidavit to which the learned counsel for petitioner of SLDC Odisha sought one weeks time.

3. Learned counsel for the petitioner further submitted that the dispute raised in the petition has two parts, namely, denial of open access and

consequential claim for damages for denial of open access. The petitioner has repeatedly suffered on account of denial of open access. The medium term open access last granted to the petitioner expired on 31.5.2012 and in the absence of open access the petitioner plant has completely shut down w.e.f. 1.6.2012. Under the circumstances, the petitioner is pressing for damages against SLDC Odisha and requested the Commission refer to matter for arbitration under Section 79 (1) (f) of the Electricity Act, 2003.

4. The Commission directed the learned counsel of SLDC Odisha to take necessary instruction from the management with regard to the petitioners claim for damages and make necessary submission in this regard.

5. The petition shall be listed for hearing on 24.7.2012.

**By order of the Commission**

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