

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Record of Proceedings**

**Petition No. 141/MP/2012 (on admission)**

Subject : Petition under Section 79 (1) (k) of the Electricity Act, 2003

Date of hearing : 21.6.2012

Coram : Dr. Pramod Deo, Chairperson  
Shri S.Jayaraman, Member  
Shri V.S.Verma, Member  
Shri M.Deena Dayalan, Member  
Shri A.S. Bakshi, Member (ex-officio)

Petitioner : AMR Power Private Limited, Bangalore

Respondent : State Load Dispatch Centre, Karnataka  
Karnataka Power Transmission Corporation Limited  
Mangalore Electricity Supply Company Limited, Mangalore

Parties present : Shri Basava Prabhu S. Patil, Advocate for petitioner  
Shri B.S. Prasad, Advocate for petitioner

This petition has been filed by AMR Power Private Limited (hereinafter referred to as 'the petitioner') for issuing direction to State Load Dispatch Centre, Karnataka Power Transmission Corporation Limited (hereinafter referred to as 'SLDC' Karnataka) to issue concurrence/NOC/ prior standing clearance to the petitioner pursuant to its application dated 3.5.2012 and for setting aside the letter No. CEE/EE/AEE-3/SLDC/95-96 dated 17.5.2012 issued by SLDC.

2. The learned counsel for the petitioner submitted that the petitioner being a generating company was sanctioned to build a mini Hydel Power Project. The Mangalore Electricity Supply Company Limited (hereinafter referred to as MESCOM) entered into PPA with the petitioner. The MESCOM delayed payment of tariff which despite various default notices was not paid by it. Subsequently, the petitioner was forced to terminate the PPA due to non-compliance of the financial and other material obligations under the agreement.

3. The learned counsel for the petitioner submitted that the petitioner entered into a Member Client Agreement with PTC India Limited (hereinafter referred to as 'the PTC') for sale of electricity through the power exchange. Subsequently, the petitioner applied for grant of NOC to sell the power under open access through PTC. SLDC Karnataka vide its letter dated 17.5.2012 communicated that the said application is not being considered as per the directives of Government of Karnataka order no. EN 540 NCE 2008 dated 1.9.2009 issued under section 11 of the Electricity Act, 2003 which provides that all private generators having valid power purchase agreement with state utilities are bound to supply power to the respective power utilities in the State.

4. The learned counsel for the petitioner submitted that the PPA with MESCOM was validly terminated in accordance with the provisions of the PPA. MESCOM has not sought any injunction against such termination at the appropriate forum. In absence of any injunction, SLDC Karnataka needs to consider only the provisions of the Regulation 8 of the Central Electricity Regulatory Commission (Open Access in inter-state transmission Regulation 2008) (hereinafter referred to as "2008 Regulations") and give concurrence for an inter-state open access after checking the availability of transmission capacity and availability of metering infrastructure.

5. The learned counsel for the petitioner sought an interim direction to SLDC, Karnataka to grant NOC/Standing clearance for the inter-State open access transaction till final disposal of the petition. The Commission declined to grant any ad-interim directions in the matter without hearing SLDC Karnataka.

6. The Commission directed to admit the petition and issue notice to the respondents. Accordingly, the petitioner was directed to serve the copy of the petition on the respondents who may file their response by 12.7.2012 and the petitioner to file its rejoinder, if any, by 18.7.2012.

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

By the order of the Commission

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