

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 310/MP/2014

- Subject : Petition under section 79 (1) (c) read with Section 79 (1) (h) and Section 79 (1) (k) of the Electricity Act, 2003 read with para 6.5 of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 read with Commission's order dated 11.1.2010 in Petition No. 134/2009 for regulation/ utilization of unrequisitioned power.
- Date of hearing : 14.10.2014
- Coram : Shri Gireesh B. Pradhan, Chairperson
Shri M. Deena Dayalan, Member
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
- Petitioner : Sasan Power Limited
- Respondents : Western Regional Load Distribution Centre and others
- Parties present : Shri J.J. Bhatt, Senior Advocate, SPL
Shri Hasan Murtaza, Advocate, SPL
Shri A.K.Asthana, SPL
Ms Supriya Singh, NRLDC
MsYayantika Singh, NLDC
Shri Rajiv Porwal, NLDC
Ms. Usha, WRLDC
Shri Pragya Singh, POSOCO
Shri Alok Shankar, Advocate, TPDDL
Shri Rahul Dhawan, Advocate, BRPL/BYPL

Record of Proceedings

Learned senior counsel for the petitioner submitted that the present petition has been filed seeking direction to WRLDC to allow and treat the scheduling of Un-requisitioned Surplus (URS) quantum of power among the procurers of Sasan UMPP or to third parties as reallocation of power on temporary basis and not as open access transaction. Learned senior counsel submitted that WRLDC has refused to schedule URS on the ground that the provisions of scheduling URS as per the Grid Code, to other procurers without short term open access, is applicable only in case of NTPC as per the Commission's order dated 11.1.2010 in Petition No. 134/2009. Learned senior

counsel submitted that since the petitioner is supplying power to distribution companies and its tariff has been adopted by this Commission under Section 63 of the Electricity Act, 2003, the said order dated 11.1.2010 would be applicable in case of the petitioner. Learned senior counsel submitted that if the URS is not scheduled to the other procurers without obtaining the STOA, this will render the provisions of Articles 4.4.2 and 4.4.3 of the PPA regarding supply of URS power to other procurers/third parties redundant. Learned senior counsel for the petitioner submitted that no reply has been filed by the respondents despite notice and requested to consider the petition for final disposal at an early date. He further requested that as an interim measure the petitioner should be given the liberty to supply the unrequisioned power at least to the other beneficiaries.

2. The representative of WRLDC submitted as under:

(a) The Commission's order dated 11.1.2010 in Petition No. 134/2009 is not applicable to UMPP since the petitioner is not governed by the tariff regulations.

(b) WRLDC is facing a lot of difficulties even in the case of NTPC due to the directions of CERC.

(c) If the prayer of the petitioner is permitted, other generator including IPP's would subsequently come and seek similar prayers which will cause further problems. WRLDC under contingency provision may schedule power within one hour of request if sought for and hence the grievance of the petitioner that open access takes two days may be addressed.

(d) Every transaction should be accompanied by transmission access which is necessary in case of scheduling of URS by other beneficiaries.

3. Learned senior counsel for the petitioner opposed the submission made by WRLDC. He submitted that WRLDC despite the difficulties expressed has been scheduling power for NTPC. There is no reason why differential treatment may be given to SPL. Learned senior counsel for the petitioner prayed that the petitioner be permitted to supply electricity to other procurers without short-term open access. As far as the submission of WRLDC that power may be scheduled under the contingency provision, learned senior counsel submitted that difficulties will be faced if the original beneficiary asks for the unrequisioned power back.

4. Learned counsel for BYPL, BRPL, TDDCL and Haryana supported the petition and requested the Commission to allow scheduling of URS without requiring to obtain open access.

5. After hearing the learned counsels and representatives of the parties, the Commission expressed the view that certain contentious issues are involved in the matter of scheduling of unrequisioned surplus and directed to list the petition for hearing on 21.10.2014.

**By order of the Commission
Sd/-**

**(T. Rout)
Chief (Law)**