

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.74/MP/2014**

Subject : Petition under Section 79 (1) (f) of the Electricity Act, 2003 read with Regulation 32 of the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term access and Medium Terms Open Access in inter-State Transmission and related matters) Regulations, 2009.

Date of hearing : 19.6.2014

Coram : Shri Gireesh B. Pradhan, Chairperson  
Shri M.Deena Dayalan, Member  
Shri A.K. Singhal, Member

Petitioner : Bhushan Power and Steel Limited

Respondent : West Bengal State Load Despatch Centre and others

Parties present : Shri Rajiv Yadav, Advocate for the petitioner

**Record of Proceedings**

Learned counsel for the petitioner submitted as under:

(a) The present petition has been filed under section 79 (1) (f) of the Electricity Act, 2003 read with Central Electricity Regulatory Commission (Grant of Connectivity, Long-term access and Medium Terms Open Access in inter-State Transmission and related matters) Regulations, 2009 (Connectivity Regulations) seeking direction to SLDC, West Bengal and West Bengal State Electricity Transmission Corporation Limited to grant concurrence for the proposed Long Term Open Access in terms of the petitioner's application dated 30.4.2013.

(b) The petitioner has set up a 506 MW captive power plant in the State of Odisha to meet the power consumption requirement of its integrated steel plant located in Sambalpur, Odisha. The petitioner has also set up steel manufacturing unit at Bangihati in the State of West Bengal.

(c) On 30.4.2013, the petitioner applied to WBSETCL for grant of NOC for LTOA for sourcing 14.9 MVA power from its CPP in Odisha. WBSETCL

convened a meeting on 20.5.2013 to discuss the issue of grant of LTOA which the petitioner attended. However, WBSETCL vide its letter dated 23.5.2013 informed the petitioner to obtain NOC from WBSEDCL, though there was no requirement under the extant Regulations to obtain NOC from the area distribution company.

(d) On 29.5.2013, the petitioner requested WBSEDCL to grant NOC for proposed LTOA transaction. WBSEDCL convened a meeting for the purpose on 8.6.2013 which was attended by Senior G.M.(Electrical) of the petitioner. The petitioner followed up with WBSEDCL vide letters dated 22.7.2013, 5.9.2013, 26.10.2013 and 14.12.2013 but no response has been received.

(e) On 31.1.2013, the petitioner received NOC from OPTCL for the proposed transaction for supply of power from Odisha to West Bengal which the petitioner shared with WBSETCL.

(f) The insistence of SLDC, West Bengal asking the petitioner to obtain NOC from WBSEDCL and the failure of WBSEDCL to issue NOC has resulted in the petitioner being denied open access for more than 11 months.

(g) The subject LTOA application was to be principally governed by the Connectivity Regulations. In terms of Regulation 10 (2) of the Connectivity Regulations, SLDC, West Bengal is required to give its concurrence within ten days of the receipt of the application. However, by insisting the petitioner to obtain NOC from WBSEDCL, WBSETCL imposed extraneous terms and conditions for processing LTOA application.

2. After hearing learned counsel of the petitioner, the Commission directed to issue notice to the respondents.

3. The Commission directed the petitioner to serve copy of the petition on the respondents by 27.6.2014. The Commission directed the respondents to file their replies by 15.7.2014 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 30.7.2014.

4. The petition shall be listed for hearing on 7.8.2014 on the issue of maintainability.

By order of the Commission

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