

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 304/MP/2015

- Subject : Petition under Sections 9 and 79 (1) of the Electricity Act, 2003 read with the Central Electricity Regulatory Commission(Open Access in Transmission) Regulations,2008 towards refusal of Open Access by Damodar Valley Corporation.
- Date of hearing : 17.12.2015
- Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member
- Petitioner : M/s Super Smelters Limited
- Respondents : Damodar Valley Corporation
Eastern Regional Load Despatch Centre
- Parties present : Shri R.B. Sharma, Advocate for the petitioner

Record of Proceedings

Learned counsel for the petitioner submitted as under:

- (a) The present petition has been filed seeking direction to Damodar Valley Corporation (DVC) to grant open access for supply of power from its captive generating plant at Jamuria, West Bengal to Koderma, Jharkhand.
- (b) The petitioner has set up a 53 MW captive power plant at Jamuria, West Bengal. At present, the petitioner is drawing electricity from DVC's sub-stations at various drawl points at 33 kV from Jamuria, West Bengal and Koderma, Jharkhand.
- (c) On 11.10.2012, the petitioner made an application to DVC for grant of open access. However, DVC vide its letter dated 16.10.2012 expressed its inability to grant open access due to constraints in its 33 kV voltage level.

(d) On 9.4.2014, the Central Load Despatch Centre (CLDC) of DVC advised the petitioner to apply for open access as per West Bengal Open Access Regulations. On 15.6.2015, the petitioner made an application to Central Load Despatch Centre of DVC for grant of NOC for wheeling of 15 MW power.

(e) Chief Engineer, CLD Mithon vide its letter dated 16.6.2015 directed the petitioner to take up the issue with the Commercial Department of DVC, Kolkata since Central Load Despatch Centre, Mithon do not have any clearance in this regard. Accordingly, the petitioner vide its letters dated 15.6.2015, 18.6.2015 and 25.6.2015 take up the matter with Commercial Department of DVC. However, no response was received from it.

(f) On 21.9.2015, the petitioner filed petition before West Bengal Electricity Regulatory Commission. In response, WBSERC vide its letter dated 28.10.2015 informed the petitioner that 'since DVC's Transmission and Distribution system is an integrated one and treated as a deemed inter-state transmission system and thus the transmission charge for these system are being determined by CERC. Hence consume using the said transmission system shall be guided by CERC Regulations.'

2. After hearing the learned counsel for the petitioner, the Commission admitted the petition and directed to issue notice to the respondents.

3. The Commission directed the petitioner to serve copy of the petition on the respondents immediately. The respondents were directed to file their replies, on affidavit, by 8.1.2016 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 20.1.2016. The Commission directed that due date of filing the replies and rejoinders should be strictly complied with. No extension shall be granted on that account.

4. The petition shall be listed for hearing on 28.1.2016.

By order of the Commission

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