

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 73/MP/2016

Subject : Petition under Section 79 (1) (c) read with Regulations 8 and 26 of the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008.

Date of hearing : 28.7.2016

Coram : Shri Gireesh B. Pradhan, Chairman
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Petitioner : Millenium Cement Co. Pvt. Ltd.

Respondents : WBSETCL & Others

Parties present : Ms. Swapna Seshadri, Advocate, MCCPL
Shri Sandeep Rajpurohit, Advocate, MCCPL
Shri Sakia Choudhery, Advocate, SLDC and WBSEDCL
Shri Avijeet Lala, Advocate, SLDC and WBSEDCL
Ms. Puja Priyadarshani, Advocate, SLDC and WBSEDCL
Ms. Manju Gupta, PGCIL
Ms. Jayantika Singh, Advocate, ERLDC
Shri Subhendu Mukherjee, ERLDC
Ms. Shruti Bhatia, IEX

Record of Proceedings

Learned counsel for WBSEDCL and SLDC, West Bengal submitted that the allegation of the petitioner in its rejoinder dated 28.7.2016 regarding denial of open access to the petitioner by SLDC, West Bengal and WBSEDCL on frivolous grounds is not correct and sought time to file sur-rejoinder to meet allegation. Learned counsel for the petitioner submitted that there would be no requirement to file sur-rejoinder if the rejoinder is withdrawn. With the consent of the learned counsel for the petitioner, the rejoinder was permitted to be withdrawn. The Commission directed that the rejoinder would not form part of the record.

2. During the course of argument, learned counsel for WBSEDCL submitted that the Hon`ble Appellate Tribunal for Electricity has pronounced a judgment on 28.7.2016 in Appeal No. 231/2015 which has relevance with regard to the jurisdiction of the Commission to deal with the present dispute. Learned counsel for WBSEDCL requested the Commission to grant time to place on record the judgment along with its submission. Request was allowed by the Commission.

3. The representative of the IEX requested for time to file reply to the petition.

4. The Commission directed the learned counsel for WBSEDCL and SLDC, West Bengal to place on record the Appellate judgment along with its submission by 2.8.2016 with an advance copy to the petitioner, who may file its response by 3.8.2016.

5. The Commission directed IEX to file its reply by 2.8.2016 with an advance copy to the petitioner who may file its rejoinder, if any by 3.8.2016.

6. The Commission directed to list the petition for hearing on 4.8.2016.

By order of the Commission

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