

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 304/MP/2015**

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

**Date of order: 28.7.2016**

**In the matter of**

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.

**And  
In the matter of**

Super Smelters Limited  
3<sup>rd</sup> Floor, Premlata,  
39, Shakespeare Sarani,  
Kolkata-700 017

**....Petitioner**

Vs

Damodar Valley Corporation  
DVC Towers  
VIP Road, Ultadanga,  
Kolkata-700 054

Eastern Regional Load Despatch Centre  
14, Golf Club Road,  
Tollygunge, Kolkata-70000 33

**....Respondents**

**The following were present:**

Shri R.B.Sharma, Advocate for the petitioner  
Ms. Anushree Bardhan, Advocate, DVC  
Shri T.K. Das, DVC  
Shri A. Patra, DVC  
Ms. Jayantika Singh, ERLDC

## ORDER

The present petition has been filed by Super Smelters Limited (SML) under Sections 9 and 79(1) (c) and (f) of the Electricity Act, 2003 read with Regulation 26 of the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008 seeking intervention of this Commission in the matter of non-grant of Open Access to SML by Demodar Valley Corporation. The petitioner has made the following prayers in the petition:

(a) Hold and declare the action of DVC in not taking action for grant of open access to the petitioner as illegitimate and direct DVC to grant open access for carrying electricity from the petitioner's captive generating plant.

(b) Direct ERLDC to act as the nodal agency for intra-State transmission open access.

2. The petitioner has submitted that the following facts have led to filing of this petition:

(a) SML has set up a 53 MW captive power plant at Jamuria, West Bengal. At present, SML is drawing electricity from DVC's sub-stations at various drawl points at 33 kV from Jamuria, West Bengal and Koderma, Jharkhand.

(b) On 11.10.2012, SML 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.

(c) 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.

(d) Chief Engineer, CLD Maithon 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, Maithon do not have any clearance in this regard. Accordingly, the petitioner vides 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.

(e) On 21.9.2015, the petitioner filed petition before West Bengal Electricity Regulatory Commission (WBSERC). In Response, WBSERC vide its letter dated 28.10.2015 informed the petitioner that since DVC`s transmission and distribution system are 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. Therefore, consumer using the said transmission system shall be guided by CERC Regulations. Accordingly, SML has approached the Commission seeking direction to DVC to grant open access for supply of power from its generating station.

3. The petition was admitted on 17.12.2015. The petitioner vide Record for Proceedings for the hearing dated 4.2.1016 was directed to make fresh application to

DVC for grant of open access. DVC was directed to sort out the issues and file a status report in this regard.

4. DVC vide its letter dated 15.7.2016 has submitted that as per the Commission`s direction dated 4.2.2016, the matter was discussed on 17.2.1016 with the petitioner and issue regarding grant of open access has been settled bilaterally on the mutual agreed basis across the table. The learned counsel for the petitioner, vide its letter dated 26.7.2016, has submitted that DVC has granted permission to the petitioner to avail the open access and the present petition can now be disposed of.

5. Noting the submission of the learned counsel for the petitioner and DVC, we dispose of the petition.

6. With the above, Petition No. 304/MP/2015 stands disposed of.

**Sd/-**  
**(Dr. M.K.Iyer)**  
**Member**

**sd/-**  
**(A.S. Bakshi)**  
**Member**

**sd/-**  
**(A. K. Singhal)**  
**Member**

**sd/-**  
**(Gireesh B. Pradhan)**  
**Chairperson**