

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No.29/MP/2017
alongwith I.A. No. 14/2017**

Subject :Petition under section 79 (1) (c) read with Section 79 (1) (k) of the Electricity Act, 2003 and the Central Electricity Regulatory Commission (Open Access in Inter-State Transmission), Regulations, 2008 for seeking appropriate directions upon State Load Despatch Centre, Odisha for grant of open access in collective transaction.

Date of hearing : 27.3.2017

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

Petitioner : Jindal Steel and Power Limited (JSPL)

Respondents :SLDC and Others

Parties present : Shri Matrugupta Mishra, Advocate, JSPL
Shri Hemant Singh, Advocate, JSPL
Shri Piyush Singh, Advocate, JSPL
Shri Rajkumar Mehta, Advocate, SLDC
Ms. Himanshi Andley, Advocate, SLDC
Ms. Swapna Seshadri, Advocate, IEX

Record of Proceedings

Learned counsels appearing on behalf of SLDC and IEX requested for one week time to file their replies. Request was allowed by the Commission.

2. Learned counsel for the petitioner submitted that on 26.12.2016, the petitioner made an application to SLDC, Odisha for grant of NOC/ concurrence for undertaking collective transactions through IEX for a period from 1.2.2017 to 28.2.2017 and 1.3.2017 to 31.3.2017 which was rejected by SLDC, Odisha on the ground that the petitioner is required to undertake that no power would be injected by the petitioner to the OPTCL's system over and above the open access schedule. Learned counsel for the petitioner further submitted that the petitioner informed IEX vide its letter dated 6.2.2017 that SLDC, Odisha did not communicate its response within 3 days of making the application as required under Regulation 8(4) of the Central Electricity Regulatory Commission (Open Access in Inter-State Transmission), Regulations, 2008 (2008 Open Access Regulations) which provides that if SLDC is not communicated any deficiency within three days, it shall be deemed to have been granted. Learned counsel for the petitioner requested the Commission to direct SLDC to process its application in accordance with the provisions of the 2008 Open Access Regulations.

3. Learned counsel for submitted that the period for which the open access was sought is about to expire within the next 5 days. Learned counsel further submitted

that interim relief and final relief sought by the petitioner are the same and granting interim relief will result in deciding the matter on merit and therefore, interim relief cannot be granted in this case.

4. After hearing the learned counsels for the petitioner, SLDC and IEX, the Commission directed SLDC to facilitate with the open access to the petitioner as per the provisions of 2008 Open Access Regulations.

5. The Commission directed the respondents to file their replies, on affidavit, by 31.3.2017 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before, 3.4.2017.

6. The Commission directed to list the petition for hearing on 5.4.2017.

By order of the Commission

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