

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.176/MP/2022

- Subject : Petition under Regulation 26 of the CERC (Open Access in Inter-State Transmission) Regulations, 2008 read inter alia with Sections 79(1)(c) and (f) of the Electricity Act, 2003 seeking Registration in the NOAR for inter-state short term open access for the energy generated by ITC Ltd at the wind power project in Anantapur District, Andhra Pradesh, for captive consumption at its factories at Bollaram and Bhadrachalam, Telangana.
- Date of Hearing : **15.9.2023**
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : ITC Limited (ITCL)
- Respondents : National Load Despatch Centre (NDLC) and 4 Ors.
- Parties Present : Shri K Gopal Choudhary, Sr. Advocate, ITCL
Shri S. Vallinayagam, Advocate, ITCL
Shri D Abhinav Rao, Advocate, TS SLDC
Shri Devadipta Das, Advocate, TS SLDC
Shri Rahul Jajoo, Advocate, TS SLDC
Shri Ganjendra Sinh, NLDC

Record of Proceedings

At the outset, learned counsel for Respondent No.3, TS-SLDC, submitted that the Petitioner has already been granted registration in the National Open Access Registry (NOAR) and, therefore, the present petition has become infructuous.

2. Learned senior counsel for the Petitioner opposed the said submission and pointed out that the Petitioner has been granted the registration to NOAR as per the direction of the Commission vide Record of Proceedings for the hearing dated 5.7.2022 and upon the Petitioner furnishing certain undertakings as requisitioned by the Respondent TS-SLDC, which were strictly for the purpose of completion of registration in NOAR and are subject to the outcome of the present Petition. Learned senior counsel submitted that in the present Petition, the Petitioner has also challenged the validity of these undertakings as insisted upon by the TS-SLDC. Learned senior counsel further referred to these undertakings in detail and pointed out that these undertakings restrict the Petitioner from wheeling its captive power beyond the contract demand with a distribution licensee and that they are not only against the concerned Regulations of the State/Central Commission but also the order passed by this Commission dated 13.6.2016 in Petition No. 121/MP/2015.

3. In response, learned counsel for the Respondent, TS-SLDC, sought liberty to seek the necessary instructions on the aspect of the stated Undertakings.



4. Considering the submissions made by the learned senior counsel and learned counsel for the parties, the Commission permitted the Respondent, TS-SLDC, to furnish its written comments on the aspect of various Undertakings as raised by the Petitioner within two weeks with a copy to the Petitioner who may file its response thereon, if any, within two weeks thereafter.

5. Subject to the above, the Commission reserved the matter for order.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**