

CENTRAL ELECTRICITY REGULATORY COMMISSION

RECORD OF PROCEEDINGS

Petition No. 60/2008 and I.A. No. 83/2008

Direction to RRVPNL to pass order on concurrence as per Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008.

Coram : Dr. Pramod Deo, Chairperson
Shri Bhanu Bhushan, Member
Shri R.Krishnamoorthy, Member
Shri S. Jayaraman, Member

Date of hearing : 11.11.2008

Petitioner : Gujrat Flurochemicals Ltd. (GFL)
Ranjit Nagar, Distt. Panchmahal
Gujrat

Respondent : 1. State Load Dispatch Centre, Rajasthan, Jaipur
2. Rajasthan Rajya Vidyut Prasaran Nigam Limited, Jaipur

Present : Shri Sitesh Mukherjee, Advocate, GFL
Shri A.D.Mirajkar, DGM, GFL
Shri Aditya Madan, Advocate, RRVPNL & SLDC
Shri Dinesh Khandelwal, SLDC
Shri M.K.Jain, SLDC
Shri B.K.Makruja, RRVPNL
Shri Sudhir Jain, RRVPNL

I.A. No. 83/2008

The petitioner has made this I.A. for initiation of fresh proceedings against the respondents for rejection of the petitioner's subsequent applications for open access by the respondent's letter dated 17.10.2008. The Commission has directed to treat the application as a fresh petition and accordingly issue notice returnable on 23.12.2008. In the mean time, the respondents may file their reply to the petition.

Petition No. 60/2008

2. Learned counsel for the petitioner submitted that the petitioner had not made payments for the energy injected into the State grid though specifically so directed by the Commission in its earlier order dated 27.8.2008. Learned counsel for the respondent sought to clarify that in terms of the Commission's said order dated 27.8.2008, the petitioner was to be paid at the rate decided by the State Commission. He submitted that the rates for supply of electricity from renewable energy sources had been decided by the State Commission where Power Purchase Agreement (PPA) had been signed with the distribution companies operating in the State. He pointed out that since the petitioner had not signed PPA, the rate earlier decided by the State Commission was not applicable. The second respondent, however, made an application, (registered as Petition No.173/2008) before the State Commission, *inter alia*, to specify the tariff for the power supplied by the petitioner to the Jodhpur Distribution Company to ensure compliance with the relevant direction of this Commission. Learned counsel placed before the Commission a copy of the order dated 6.11.2008 made by the State Commission rejecting the application of the second respondent on the ground that the petitioner therein (the second respondent herein) was neither a generating company who could make an application for determination of tariff, nor a distribution licensee who was to purchase power and pay for the tariff. The State Commission held that the second respondent had no *locus standi* to make the application before it. In view of this, learned counsel expressed his inability to make payments for the electricity injected by the petitioner in the State grid, as the rates approved by the State Commission were not applicable in the case of the petitioner.

3. Learned counsel for the respondents further submitted that in the petition filed before the State Commission it had also prayed for review of the provisions or issue of appropriate directions, in respect of clause 6(4) of the Rajasthan Electricity Regulatory Commission intra-State ABT regulations to facilitate compliance or otherwise of this Commission's order dated 27.8.2008. Even this prayer was turned down by the State Commission in the said order dated 6.11.2008. Therefore, he expressed his difficulty in compliance with the Commission's directions for grant of open access to the petitioner, since the provisions of this Commission's regulations on open access and the State Commission's regulations on intra-State ABT cannot be acted upon simultaneously, as submitted by the learned counsel.

4. The issues, similar to the above, will arise for consideration in the I.A. filed by the petitioner, (which has been converted into an independent petition), proposed to be listed for hearing on 23.12.2008. This matter will be considered at that time for a comprehensive view in the matter.

5. The respondents have not filed their replies to the show cause notice issued vide order dated 30.9.2008. The respondents are given a fresh opportunity to file their replies within three weeks.

6. List this petition for further directions on 23.12.2008.

Sd/-
(K.S. Dhingra)
Chief (Legal)