

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram

1. Dr. Pramod Deo, Chairperson
2. Shri Bhanu Bhushan, Member
3. Shri R.Krishnamoorthy, Member
4. Shri S.Jayaraman, Member

Petition No. 60/2008

In the matter of

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

And in the matter of

Gujarat Flurochemicals Limited, Dist. Panchmahal (Gujarat) **..Petitioner**
Vs

1. Supdt. Engineer, (SO & LD), Rajasthan Rajya Vidyut Prasaran Nigam Ltd., Jaipur
2. Rajasthan Rajya Vidyut Prasaran Nigam Ltd., Jaipur **..Respondents**

The following were present:

1. Shri Sitiesh Mukherjee, Advocate, GFL
2. Shri Vishal Anand, Advocate, GFL
3. Shri Deepak, GFL
4. Shri A.D.Mirajkar, GFL
5. Shri Aditya Madan, Advocate, RRVPNL
6. Shri Dinesh Khandelwal, SLDC
7. Shri M.K.Jain, SLDC
8. Shri Sudhir Jain, RRVPNL

**ORDER
(Date of Hearing: 30.9.2008)**

By order dated 27.8.2008, the respondents were directed to show cause latest by 25.9.2008, as to why action under Section 142 of the Electricity Act, 2003 (the Act) for non-compliance of clauses (3) and (4) of Regulation 8 of the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008 (the open access regulations) be not taken against them.

2. The respondents have not filed their reply.
3. Learned counsel for the respondents has requested for a short adjournment to enable it to file its reply. In response to a query, the learned counsel informed that copy of the order was received on 3.9.2008. Learned counsel explained that the respondents propose to file an application for review of the order dated 27.8.2008, and the reply to the show cause notice will be filed thereafter.
4. We are dismayed to point out that despite availability of sufficient time no reply has been filed.
5. In the said order dated 27.8.2008, after detailed analysis, it was found that there was no justifiable reason to deny open access to the petitioner on previous three occasions. It was pointed out that the observations made in the order should be kept in view by the respondents while deciding applications made for open access in future.
6. The petitioner has filed an affidavit on 26.9.2008, bringing to the Commission's notice that the petitioner submitted two applications dated 2.9.2008 and 10.9.2008 for the first respondent's concurrence for open access. It has been stated that both these applications have been rejected vide letters dated 8.9.2008 and 13.9.2008 respectively on frivolous grounds, and without compliance with the Commission's directions in the order dated 27.8.2008. Learned Counsel for the petitioner pressed for issue of fresh show cause notices

to the respondents for non-compliance of the Commission's directions contained in the order dated 27.8.2008.

7. We direct that further notices under Section 142 of the Act on the fresh non-compliance reported by the petitioner be issued.

8. Request made by the learned counsel for the first respondent is allowed. We further direct that show cause notice be issued to the Officer-in-Charge, State Load Despatch Centre, Rajasthan (the first respondent) under Section 149 of the Act, directing him to explain as to why he should not as well be deemed guilty of non-compliance of clauses (3) and (4) of Regulation 8 of the open access regulations and punished accordingly. A reply may be filed by the Officer-in-Charge before the next date of hearing. He shall also be present *in person* at the date fixed.

9. Listed on 7.10.2008 for further directions.

Sd/-	Sd/-	Sd/-	Sd/-
(S.JAYARAMAN)	(R.KRISHNAMOORTHY)	(BHANU BHUSHAN)	(DR. PRAMOD DEO)
MEMBER	MEMBER	MEMBER	CHAIRPERSON

New Delhi, dated the 30th September 2008