

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI
Record of Proceedings**

Petition No.157/2008

Subject: Petition under Section 79 of the Electricity Act, 2003 read with regulations 35 of the CERC (Open Access in inter-State in transmission) Regulations, 2004

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

Date of Hearing : **12.02.2009**

Petitioner : **Konark Power Project Limited, Secunderabad**

Respondents : **1. Karnataka State Load Despatch Centre,
Bangalore
2. Karnataka Power Transmission Corporation
Ltd., Bangalore
3. Western Regional Load Despatch Centre, Mumbai
4. Global Energy Limited, Mumbai**

Parties present : **Ms. Swapna Seshadari, Advocate for KPTCL**

Learned counsel for the first respondent submitted that the reply was already filed on behalf of that respondent. Learned counsel further submitted that the State Government had already decided to buy power from the fourth respondent in view of the fact that the State is deficit of power and accordingly the State Government had issued an order under section 11 of the Electricity Act, 2003 (the Act), directing the generating companies operating the State to supply power to the State grid. According to her, the order made by the State Government under section 11 of the Act was valid and legal. It was pointed out to her that the order was effective from 1.12 2008 whereas the application for open access made for the period commencing on 1.11.2008 was not granted. She replied that in the petition filed before the Commission, the petitioner has sought open access prospectively and has not sought any relief of the earlier period. On a further question from the Commission as to whether denial of open access from 1.11.2008 amounted to non-compliance of the open access regulations made by the Commission and thereby punishable under section 142 of the Act, she submitted that the consequences as per law were to follow .

2. After conclusion of hearing and rising of the court, Shri Deepak Biswas, Advocate, appeared for the petitioner and gave in writing that he was unable to appear in the matter because he was stuck in traffic jam. He sought permission to file a rejoinder to the reply filed on behalf of the first respondent. The Commission on consideration of the request made by learned counsel, has permitted him to file rejoinder on behalf of the petitioner by 28.2.2009, and with a copy to learned counsel for the first respondent.

3. The petition shall be re-listed for hearing on 12. 3.2009.

sd/-
Chief (Legal)