

CENTRAL ELECTRICITY REGULATORY COMMISSION

Record of Proceedings

PETITION NO. 90/2008

Sub: Clarification in regard to scheduling process as per Central Electricity Regulatory Commission (Open Access in Inter-State Transmission) Regulations, 2004 read with Indian Electricity Grid Code.

.Date of hearing : 26.3.2009

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

Petitioner : M. P. Power Trading Company Ltd., Jabalpur

Respondent : Adani Enterprises Limited, Gurgaon

Parties present : Shri G.Umapthy, Advocate, MPPTCL
Shri Umesh Mathur, MPPTCL

Through this application, the petitioner, M. P. Power Trading Company Ltd. has sought clarification in regard to scheduling process specified under the Central Electricity Regulatory Commission (Open Access in Inter-State Transmission) Regulations, 2004 read with the Indian Electricity Grid Code and also seeks direction to the respondent, M/s Adani Enterprises Limited to pay the legitimate dues on compensation claims amounting of Rs. 3,52,20,800 and refund the open access charges amounting to Rs. 26,39,531/- to the petitioner along with surcharge for delay in payment from the date of raising of claims by the petitioner, as respondent allegedly defaulted on its contractual obligations towards purchase of power scheduled by the petitioner for sale under the agreement dated 19.9.2007.

2. The Commission heard learned counsel for the petitioner on admission. Learned counsel informed that the application was made under Section 29 of the Electricity Act, 2003 (the Act). He submitted that the respondent had not honoured the agreement signed between the parties on the ground that it was not informed that the power purchased was actually scheduled. Learned counsel stated that RLDC had scheduled the power purchased by the respondent, intimation for which was sent through e-mail and was also made available at

WRLDC`s website. In response to a specific query in regard to maintainability of the application, leaned counsel informed that the respondent had violated Regulation 7 (h) of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Trading Licence and other related matters) Regulations, 2004, though it was a condition of licence granted to the respondent.

3. The Commission directed to admit the application limited to proceedings under Section 142 of the Act for non-compliance of Regulation 7 (h) *ibid*.

4. The petitioner is directed to serve copy of the application on the respondent by 9.4.2005, if not already served. The respondent is permitted to file its reply by 30.4.2009, with a copy to the petitioner who may file its rejoinder, if any, by 22.5.2009.

5. The application shall be re-notified on 9.6.2009.

sd/-
(K.S.Dhingra)
Chief (Law)