

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Record of Proceedings

PETITION No. 315/2009

Sub: Petition filed under Section 79 (1) (c), (f) & (k) read with section 11 (1) of the Electricity Act, 2003 read with regulation 26 of the Central Electricity Regulatory Commission (Open Access in Inter-State Transmission) Regulations, 2008.

Date of hearing : 9.3.2010

Coram : Dr. Pramod Deo, Chairperson
Shri S.Jayaraman, member
Shri V.S.Verma, Member
Shri M. Deena Dayalan, Member

Petitioner : M/s Vedanta Aluminum Limited

Respondent : 1. State Load Despatch Centre
2. Orissa Power Transmission Corporation Ltd, Bhubaneshwar

Parties present : Sh. S. Mohapatra, VAL
Sh. P. K. Behura, SR. GM (PS), SLDC
Sh. S. K. Das, DGM (Elect), SLDC
Sh. P. C. Sen, VAL
Sh. R. Mehta, Advocate, SLDC
Sh. Antaryami Upadhyay, SLDC

Through this petition, the petitioner M/s Vedanta Aluminum Limited (VAL), has challenged the denial of open access by the respondent and has sought issue of directions to the respondent to consider the open access application of the petitioner strictly in accordance with the provisions of the Central Electricity Regulatory Commission (Open Access in Inter- State Transmission) Regulations, 2008. During the hearing of the case on 9.2.2010, certain discrepancies were found between the copies of the report of M/s PRDC, Bengaluru, filed by respondent on affidavit and that filed by petitioner.

3. Learned counsel for the petitioner submitted that the petitioner had been injecting 320 - 330 MW of power into the State grid but it was not given open access for selling power outside the State for the quantum of power in excess of 150 MW, the quantum of power for sale by M/s VAL to M/s GRIDCO.

4. Learned counsel for the respondent submitted that open access was denied on the grounds of transmission constraints only. According to him there was evacuation constraint in the Budhipadar control area and the margin available was only 40 MW (810 MW – 770 MW) taking into consideration import of only 40 MW from Western Region whereas the average import from Western Region in the recent past was 200 MW. He pointed out that this flow sometimes went upto 300 MW. He added that the respondent could not allow export of any power from M/s. VAL outside the State, taking into account the N-1 transmission planning criterion of CEA. According to him, any one circuit tripping of 220 KV D/C Budhipadar - Tarkera lines would result in tripping of Ib Thermal Power Plant. Learned counsel added that the respondent allowed injection of more than 150 MW from M/s VAL in December, 2009 when Ib Thermal Power was under outage. He also pointed out that M/s VAL was not continuously injecting 350 MW, but the injection was varying from 50 MW to 350 MW. Hence it would not be possible for SLDC to allow more injection from the petitioner.

5. Learned counsel for the respondent stated that the information sought by the Commission during the hearing on 9.2.2010 regarding demand and supply position and injection from Korba was already submitted. He recalled that there were 70 trippings in the Budhipadar command area in the recent times, averaging 5 per month during which time backing down by the petitioner was needed. He added that many times in the past the petitioner was asked to back down generation and even the contracted capacity of 150 MW could not be evacuated on certain occasions. He also cited that on 13.1.2010, at

600 hrs, 246 MW injections from VAL was allowed when injection from Korba was only 65 MW. Grant of permission for open access for export of power, however, he asserted, was not possible under the prevailing conditions. He submitted that if the generating units of M/s VAL trip after grant of open access, in the absence of provisions for change of collective transaction schedule, the State's central sector power would go through open access and the State would have to carry out load restrictions or overdraw to meet its requirement.

6. The counsel for the petitioner submitted that since the respondent filed affidavit one day before hearing, he may be given one week's time to file counter affidavit. The respondent also requested for one week time after receiving the affidavit from the petitioner to file their reply, if any.

7. The Commission allowed time of one week each to the petitioner and the respondent. Subject to this the order was reserved.

sd/-
(T.Rout)
Joint Chief (Law)