

CENTRAL ELECTRICITY REGULATORY COMMISSION

NEW DELHI

Petition No.118/2011

Subject: Petition for direction to Uttar Pradesh State Load Despatch Centre to accord concurrence/no objection certificate/prior standing clearance in Format PX-I to the petitioner for participation in Power Exchange(s).

Date of hearing 31.5.2011

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

Petitioner: NOIDA Power Company Ltd., NOIDA

Respondents: 1. U. P. Power Transmission Corporation Ltd., Lucknow
2. Chief Engineer (Power System), U. P. Power Transmission Corporation Ltd., Lucknow
3. Chief Engineer (Operations), U. P. Power Transmission Corporation Ltd., Lucknow
4. Uttar Pradesh Power Corporation Ltd., Lucknow

Parties present: Sh. Vishal Gupta, Advocate for the petitioner

RECORD OF PROCEEDINGS

This petition has been filed under Sections 79(1)(k) and 142 of the Electricity Act, 2003 read with Regulation 26 of the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008 and Regulation 1.5(v) of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 seeking a direction to Uttar Pradesh State Load Despatch Centre to accord concurrence/No Objection Certificate/prior standing clearance to the petitioner for participation in the Power Exchange(s).

2. Learned counsel for the petitioner submitted that the petitioner is an "intra-State entity" as defined in Regulation 2(1)(h) of Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008 (Open Access Regulations) and comes under the purview of "short term customer" as defined under Regulation 2(1)(n-b) of the Open Access Regulations. The learned counsel further submitted that under Regulation 8 of Open Access Regulation, prior concurrence or no objection for the State Load Despatch Centre

is required for an intra-State entity for participating in a bilateral transaction or trading in power exchange. Even though short term open access in inter-State transmission is being provided by Respondent Nos. 1, 2 and 3 on case to case basis, the respondents are not responding to the applications filed for concurrence/NOC/prior standing clearance for trading in the power exchange despite numerous requests and reminders. The learned counsel sought a direction to the respondents to accord concurrence/NOC/prior standing clearance to the petitioner for participating in power exchange.

3. After hearing the learned counsel, the Commission admitted the petition and directed the petitioner to serve copies of the petition on the respondents by 13.6.2011, if not already done. The respondents were directed to file the reply latest by 24.6.2011 with advance copy to the petitioner who may file rejoinder, if any, on or before 6.7.2011.

4. The petition is posted for hearing on 12.7.2011.

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