

CENTRAL ELECTRICITY REGULATORY COMMISSION

Record of Proceedings

PETITION NO.124/MP/2011

Sub: Petition under section 79 (1) (f) read with regulation 26 of Central Electricity Regulatory Commission (Short Term Open Access in Inter – State Transmission) regulations , 2008 of the Electricity Act, 2003 along with affidavit.

Date of hearing : 24.5.2011
Coram : Dr. Pramod Deo, Chairperson
Shri S.Jayaraman, Member
Shri V.S.Verma, Member
Shri M.Deen Dayalam, Member

Petitioner : M/S. Shamanur Sugars Limited.

Respondent : 1. Karnataka Power Transmission Corporation Limited and Anr.
2. Karnataka State Load Despatch Centre.

Parties present : Ms. Surbhi Sharma Advocate (SSL)

The petition has been filed by the petitioner seeking a direction that clause (m) introduced as the additional condition in the standing clearance issued by the Respondent No. 2 is contrary to the Central Electricity Regulatory Commission (Short Term Open Access in Inter – State Transmission) Regulations 2008, (Open Access Regulations) and Central Electricity Regulatory Commission (Unscheduled Inter-Change and related matters) Regulations 2009 (UI Regulations)

2. The learned counsel for petitioner submitted that in terms of the PPA dated 7.3.1998, the petitioner was selling the surplus power from its co- generation bagass based plant to Respondent no. 1 from September 1999 till September 2009, After the PPA came to an end in the month of September 2009, the petitioner has been selling its excess power through bilateral sale or through Power Exchange to consumers outside Karnataka. Accordingly, the Petitioner has been availing standing clearance/ No objection Certificate from respondent No.2 from September 2009 till 31.3.2010.

3. Learned counsel for the petitioner further submitted that the Standing Clearance / No objection certificate issued by Respondent No. 2 for the month of March 2010 contained the following clause :-

“For any excess generation, the rates fixed by KERC for old plants only be paid and not as per UI rates. However, for shortfall in generation as compared to the scheduled generation, the firm will have to pay the UI rates.”

4. The learned counsel submitted that the above condition may be declared as contrary to Open Access Regulations and UI regulations and accordingly, the Respondent No .2 be directed to compute the UI charges as per the UI regulations.

5. In reply to a query of the Commission whether clause (m) was prescribed by the Karnataka Electricity Regulatory Commission, the learned counsel for the petitioner sought one week's time to verify the same and make necessary submission.

6. The Commission allowed the prayer of the learned counsel for the petitioner and directed to list the petition for hearing on 16.6.2011.

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